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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 20 जून, 2006

का.आ. 2445.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के दिनांक 19 जून, 1986 के सं. का.आ. 363(अ) की अधिसूचना जो 19 जून, 1986 को भारत के राजपत्र भाग II, खण्ड 3, उप खण्ड (ii) में प्रकाशित हुई थी, में निम्नलिखित संशोधन करती है, नामतः—

उक्त अधिसूचना में "जिला दक्षिण अर्काट" के स्थान पर "जिला कूडल्लूर, विल्लुपुरम, कांचीपुरम, तिरुवल्लूर, वेल्लोर और तिरुवण्णमलै" प्रतिस्थापित किए जाएंगे।

[फा. सं. 1/2/2001-आरआरबी(i)]

एम. के. मल्होत्रा, अवर सचिव

पाद टिप्पणी : मूल अधिसूचना सं. का.आ. 363 (अ) दिनांक 19 जून, 1986 भारत के राजपत्र (असाधारण) भाग-II, खण्ड-3, उप-खण्ड-(ii) दिनांक 19 जून, 1986 में प्रकाशित हुई थी।

1836 GI/06

MINISTRY OF FINANCE
(Department of Economic Affairs)
(BANKING DIVISION)
New Delhi, the 20th June, 2006

S.O.—2445.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance, Department of Economic Affairs (Banking Division) number S.O. 363(E) dated the 19th June, 1986 published in the Gazette of India Part II, Section-3, Sub-section (ii) dated the 19th June, 1986, namely:—

In the said notification for the words "district of South Arcot", the words "districts of Cuddalore, Villupuram, Kanchipuram, Thiruvallur, Vellore and Thiruvannamalai" shall be substituted.

[F. No. 1/2/2001-RRB(i)]

M.K. MALHOTRA, Under Secy.

Foot Note : The Principal notification number S.O. 363 (E) dated the 19th June, 1986 was published in the Gazette of India (Extraordinary) Part-II, Section-3, Sub-section, (ii) dated 19th June, 1986.

(5575)

नई दिल्ली, 20 जून, 2006

का.आ. 2446.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के दिनांक 27 दिसम्बर, 1985 की सं. का.आ. 913 (अ) की अधिसूचना जो 27 दिसम्बर, 1985 को भारत के राजपत्र भाग II, खण्ड 3, उप-धारा (ii) में प्रकाशित हुई थी, में निम्नलिखित संशोधन करती है, नामतः—

उक्त अधिसूचना में “धर्मापुरी जिला” के स्थान पर “जिला धर्मापुरी, कृष्णागिरी, सेलम, नामाकल और ईरोड” प्रतिस्थापित किए जाएंगे।

[फा. सं. 1/2/2001-आरआरबी (ii)]

एम. के. मल्होत्रा, अवर सचिव

पाद टिप्पणी : मूल अधिसूचना सं. का.आ. 913(अ.) दिनांक 27 दिसम्बर, 1985 भारत के राजपत्र (असाधारण) भाग-II, खण्ड -3, उप-खण्ड-(ii) दिनांक 27 दिसम्बर, 1985 में प्रकाशित हुई थी।

New Delhi, the 20th June, 2006

S.O. 2446.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance, Department of Economic Affairs (Banking Division) number S.O. 913(E) dated the 27th December, 1985 published in the Gazette of India Part II, Section-3, Sub-section (ii) dated the 27th December, 1985, namely:—

In the said notification for the words “district of Dharmapuri”, the words “districts of Dharmapuri” Krishnagiri, Salem, Namakkal and Erode shall be substituted.

[F. No. 1/2/2001-RRB (ii)]

M.K. MALHOTRA, Under Secy.

Foot Note : The Principal notification number S.O. 913 (E) dated the 27th December, 1985 was published in the Gazette of India (Extraordinary) Part II, Section-3, Sub-section (ii) dated 27th December, 1985.

(बैंकिंग तथा बीमा प्रभाग)

नई दिल्ली, 20 जून, 2006

का.आ. 2447.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री विनोद राय, विशेष सचिव (वित्तीय क्षेत्र), आर्थिक कार्य विभाग, वित्त मंत्रालय को तत्काल प्रभाव से अगले आदेशों तक उक्त निगम के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 14/3/2003-बीमा-IV]

वी.पी. भारद्वाज, निदेशक

(BANKING & INSURANCE DIVISION)

New Delhi, the 20th June, 2006

S.O. 2447.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Sh. Vinod Rai, Special Secretary (Financial Sector), Department of Economic Affairs, Ministry of Finance as member of the said Corporation with immediate effect till further orders.

[F. No. 14/3/2003-Ins-IV]

V.P. BHARDWAJ, Director

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 13 जून, 2006

(आयकर)

का.आ. 2448.—एतद्वारा आम सूचना के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार निम्नलिखित शर्तों के अधीन ‘विश्वविद्यालय, महाविद्यालय, अथवा संस्था’ की श्रेणी के अन्तर्गत दिनांक 1-4-2003 से 31-3-2006 तक की अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रयोजनार्थ संगठन सेन्टर फॉर रिसर्च इन मेटल रिटार्डेशन (सी.आर.ई. एम.ई.आर.ई.) ए यूनिट ऑफ वल्लभदास डागरा इन्डियन सोसाइटी फॉर मेन्टली, रिटार्डेड, मुम्बई को अनुमोदित करती है :-

- (1) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों का लेखा अलग रखेगा।
- (2) प्रत्येक वित्तीय वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है, क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को अपने आय व्यय के लेखा परीक्षित लेखा की प्रति आय की विवरणी दायर करने की तारीख को या उससे पहले 90 दिनों के अन्दर, जो भी बाद में हो, प्रस्तुत करेगा।
- (3) अनुमोदित संगठन उपर्युक्त पैरा (2) में उल्लिखित आय तथा व्यय लेखा के साथ लेखा परीक्षक से प्राप्त एक प्रमाणपत्र भी संलग्न करेगा, जिसमें :-
 - (क) वैज्ञानिक अनुसंधान के लिए संगठन द्वारा प्राप्त की गई उस राशि का उल्लेख होगा, जिसके संबंध में दाता धारा 35 की उपधारा (1) के खण्ड (ii) के तहत छूट का दावा करने के लिए पात्र होंगे।
 - (ख) यह प्रमाणित करना कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 138/2006/फा. सं. 203/46/2004-आ.क.नि.-II]

दीपक गर्ग, अवर सचिव

(Department of Revenue)
(CENTRAL BOARD OF DIRECT TAXES)
 New Delhi, the 13th June, 2006
(INCOMETAX)

S.O. 2448.—It is hereby notified for general information that the organization Centre for Research in Mental Retardation (CREMERE) a unit of Vallabhdas Dagara Indian Society for Mentally Retarded, Mumbai has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 for the period from 1-4-2003 to 31-3-2006 under the category 'University, college or other Institution' subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
 - (a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.
 - (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 138/2006/F. No. 203/46/2004-ITA-II]

DEEPAK GARG, Under Secy.

नई दिल्ली, 13 जून, 2006

(आयकर)

का.आ. 2449.—एतद्वारा आम सूचना के लिए यह अधि सूचित किया जाता है कि केन्द्र सरकार निम्नलिखित शर्तों के अधीन 'विश्वविद्यालय, कालेज अथवा, अन्य संस्था' जो अंशतः अनुसंधान (न कि अन्य रूप से अनुसंधान के लिए वैज्ञानिक अनुसंधान संघ के रूप में विद्यमान हो) श्रेणी के अन्तर्गत दिनांक 1-4-2003 से 31-3-2006 तक की अवधि के लिए आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रयोजनार्थ संगठन मैसर्स एम.एस. चेल्लामुतू ट्रस्ट एण्ड रिसर्च फाउंडेशन, 643 के. के. नगर, मदुरै-625020 को अनुमोदित करती है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों का लेखा अलग रखेगा।

- (ii) प्रत्येक वित्तीय वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है, क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को अपने आय व्यय के लेखापरीक्षित लेखा की प्रति आय की विवरणी दायर करने की तारीख को या उससे पहले अथवा 90 दिनों के अन्दर, जो भी बाद में हो, प्रस्तुत करेगा -

- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय लेखा के साथ लेखा परीक्षक से प्राप्त एक प्रमाणपत्र भी संलग्न करेगा, जिसमें :—

- (क) वैज्ञानिक अनुसंधान के लिए संगठन द्वारा प्राप्त की गई उस राशि का उल्लेख होगा, जिसके संबंध में दाता धारा 35 की उपधारा (1) के खण्ड (ii) के तहत छूट का दावा करने के लिए पात्र होगा।

- (ख) यह प्रमाणित करना कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 137/2006/फा. सं. 203/6/2006 आ.क.नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 13th June, 2006

(INCOMETAX)

S.O. 2449.—It is hereby notified for general information that the organization M/s M.S. Chellamuthu Trust and Research Foundation, 643, K.K. Nagar, Madurai-625020 has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 for the period from 1-4-2003 to 31-3-2006 under the category 'University, College or other Institution' partly engaged in research activities (and not as a scientific research association existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in

paragraph (ii) above, a certificate from the auditor:—

- specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.
- certifying that the expenditure incurred was for scientific research.

[Notification No. 137/2006/F. No. 203/6/2006-ITA-II]

DEEPAK GARG, Under Secy.

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

नई दिल्ली, 21 जून, 2006

का.आ. 2450.—राजभाषा नियम (संघ के शासकीय प्रयोजन के लिए प्रयोग), 1976 के नियम-10 उपनियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के छत्तीसगढ़ सर्किल के निम्नलिखित अधीनस्थ कार्यालयों को जिनके 80 प्रतिशत कर्मचारियों (गुप घ कर्मचारियों को छोड़कर) ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

क्र.सं.	कार्यालय का नाम	पिन कोड
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8.	मुख्य अभिलेख कार्यालय, रेल डाक सेवा आर पी संभाग, रायपुर	492009
9.	उप अभिलेख कार्यालय, रेल डाक सेवा आर पी संभाग, बिलासपुर	495004
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11.	उप अभिलेख कार्यालय, रेल डाक सेवा आर पी संभाग, जगदलपुर	494001
12.	उप अभिलेख कार्यालय, रेल डाक सेवा आर पी संभाग, दुर्ग	491001
13.	उप अभिलेख कार्यालय, रेल डाक सेवा आर पी संभाग, छिन्दवाड़ा	480001
14.	अभिलेख कार्यालय, रेल डाक सेवा आर पी संभाग, नागपुर	440010

[सं. 11017-2/2003-रा.भा.]

अंजु दासगुप्ता, वरिष्ठ उप महानिदेशक (पीओएंडआई)

MINISTRY OF COMMUNICATIONS AND I.T. (Department of Posts)

New Delhi, the 21st June, 2006

S.O. 2450.—In pursuance of Rule 10(4) of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following subordinate offices of the Chattisgarh Circle of Department of Posts where 80 per cent staff has been acquired the working knowledge of Hindi:—

Sl.No.	Name of the Post Offices	Pin Code
1.	Sr. Supdt. of Post offices, Durg, Dn. Bhillai.	490006
2.	Sr. Supdt. of Post offices, Raipur, Dn. Raipur.	492009
3.	Supdt. of Post offices, Bilaspur, Dn. Bilaspur	495001
4.	Supdt. of Post offices, Raigarh, Dn. Raigarh.	496001
5.	Supdt. of Post offices, Bastar, Dn. Jagdalpur.	494001
6.	Supdt. PSD, Raipur.	492001
7.	Supdt. RMS, RP, Dn. Raipur.	492009
8.	HRO, RMS, RP, Dn. Raipur.	492009
9.	SRO, RMS, RP, Dn. Bilaspur,	495004
10.	SRO RMS, RP, Dn. Raigarh	496001
11.	SRO, RMS, RP, Dn. Jagdalpur.	494001
12.	SRO RMS, RP, Dn. Durg.	491001
13.	SRO RMS, RP, Dn. Chhindwada	480001
14.	RO RMS, RP, Dn. Nagpur.	440010

[No. 11017-2/2003-OL]

ANJU DASGUPTA, Sr. Dy. Director General (PO&I)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 15 जून, 2006

का.आ. 2451.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु डाका विश्वविद्यालय द्वारा प्रदान चिकित्सा अर्हता एमबीबीएस, उक्त अधिनियम की धारा 12 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

डा. शहरयार नबी, बांग्लादेश के नागरिक, जिनके पास उक्त अर्हता है, स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान (पीजीईएमईआर), चंडीगढ़ से धर्मार्थ (चैरिटेबल) कार्य हेतु, न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उपधारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्द्वारा विनिर्दिष्ट करती है कि भारत में डा. शहरयार नबी द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि:—

(क) पीजीआईएमईआर, चंडीगढ़ में कार्यभार ग्रहण करने की तिथि से छह माह की अवधि;

अथवा

(ख) उस अवधि जिसके दौरान डा. शहरयार नबी पीजीआईएमईआर, चंडीगढ़ से जुड़े हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[संख्या बी-11016/1/2006-एमई(नीति-1)]

के.बी.एस. राव, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 15th June, 2006

S.O. 2451.—Whereas medical qualification MBBS granted by Dhaka University is a recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 12 of the said Act;

And whereas Dr. Shahryar Nabi, Bangladesh National, who possess the said qualification is attached to P.G.I.M.E.R., Chandigarh for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Shahryar Nabi in India shall be limited to:—

- (a) a period of six months from the date of joining P.G.I.M.E.R. Chandigarh;

OR

- (b) the period during which Dr. Shahryar Nabi is attached to P.G.I.M.E.R., Chandigarh, whichever is shorter.

[No. V.11016/1/2006-ME(Policy-I)]

K.V.S. RAO, Under Secy.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 14 जून, 2006

का.आ. 2452.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के

उप-नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के प्रशासनिक नियंत्रणाधीन वनस्पति संरक्षण, संगरोध एवं संग्रह निदेशालय, फरीदाबाद के निम्नलिखित क्षेत्रीय कार्यालय को जिसके 80% कर्मचारी, वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

क्षेत्रीय कीटनाशक परीक्षण प्रयोगशाला,
टी-2, रतनलाल नगर, कानपुर-208 022
(उत्तर प्रदेश)

[संख्या 3-6/2004-हिन्दी नीति]

पी. के. जलाली, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture & Cooperation)

New Delhi, the 14th June, 2006

S.O. 2452.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following office of the Directorate of Plant Protection Quarantine and Storage, Faridabad, under the Administrative Control of the Department of Agriculture and Cooperation, Ministry of Agriculture, 80% staff whereof have acquired the working knowledge of Hindi:—

Regional Pesticides Testing Laboratory,
T-2, Ratanlal Nagar,
Kanpur-208 022, Uttar Pradesh

[No. 3-6/2004-Hindi Neeti]

P.K. JALALI, Jt. Secy.

उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 15 जून, 2006

का.आ. 2453.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि वे लाइसेंस जिनके विवरण नीचे अनुसूची में दिए गए हैं उनके आगे दर्शाई गई तिथि से रद्द हो गए हैं:

अनुसूची

क्र.सं.	लाइसेंस सं.	लाइसेंसधारी का नाम और पता	उत्पाद	भामा सं.	निरस्त होने की तारीख
(1)	(2)	(3)	(4)	(5)	(6)
1.	1654658	विक्ट्री प्लास्क कं. प्रा. लि., मुम्बई	निर्वर्त प्लास्क के लिए रिफिल	3702:1989	06-07-2005
2.	7376686	श्रीजी अक्वा, थाणे (प)	पैकेजबंद पीने का पानी (प्राकृतिक मिनरल जल के अलावा)	14543:2004	22-05-2005
3.	7408875	ओसियन बेवेरजेज (नासिक) प्रा. लि., नासिक	पैकेजबंद पीने का पानी (प्राकृतिक मिनरल जल के अलावा)	14543:2004	30-12-2005

[संदर्भ: सी.एम.डी.-1/13:13]

एस. एम. भाटिया, उपमहानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(Department of Consumer Affairs)
(Bureau of Indian Standards)
 New Delhi, the 15th June, 2006

S.O. 2453.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1998, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have cancelled with effect from the date indicated against each:

SCHEDULE

S.No.	Licence No.	Name & Address of the Licensee	Product	IS No.	Date of Cancellation
1.	1654658	Victory Flask Co. P. Ltd., Mumbai	Refills for vacuum flasks	3702 : 1989	06-07-2005
2.	7376686	Shreeji Aqua, Thane (W)	Packaged drinking water (other than packaged natural mineral water)	14543 : 1998	22-05-2005
3.	7408875	Ocean Beverages (Nasik) Pvt. Ltd., Nashik	Packaged drinking water (other than packaged natural mineral water)	14543 : 2004	30-12-2005

[Ref. CMD-I/13:13]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 19 जून, 2006

का.आ. 2454.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो की संख्या और वर्ष	स्थापित तिथि
1.	आईएस 15647 : 2006—बेल्लिड नलिका एवं पाइपों के लिए तप्त बेल्लित इस्पात की लघु चौड़ाई वाली पत्ती	—	अप्रैल 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमटीडी 4/टी-213]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 19th June, 2006

S.O. 2454.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1.	ISI 15647 : 2006—Hot rolled steel narrow width strip for welded tubes and pipes	—	April 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-213]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 19 जून, 2006

का.आ. 2455.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 4899 : 2006—निम्न तापमान पर उपयोग के लिए फेराइटिक और मार्टेनसिटिक इस्पात ढलाइयाँ—विशिष्ट (तीसरा पुनरीक्षण)	आईएस 4899 : 1991	31 मई, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्र हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 14/टी-8]

एस.के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 19th June, 2006

S.O. 2455.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS : 4899 : 2006—Ferritic and martensitic steel castings for use at low temperature—Specification (Third Revision)	IS 4899 : 1991	31 May, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 14/T-8]

S.K. GUPTA, Sc. 'F' & Head (MTD)

नई दिल्ली, 19 जून, 2006

का.आ. 2456.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15659 (भाग 1) : 2006—पेट्रोलियम एवं प्राकृतिक गैस उद्योग गैस और द्रव हाइड्रोकार्बन के पाइपलाइन परिवहन में प्रयुक्त दबी अथवा निम्न पाइपलाइन हेतु बाह्य लेप भाग 1 पालीलेफिन लेप (3 लेयर पी ई और 3 लेयर पी पी)	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.टी.डी. 24/टी-140]

एस.के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 19th June, 2006

S.O. 2456.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS : 15659 (Part 1) : 2006—Petroleum and Natural Gas Industries—External Coatings for Buried or Submerged Pipelines used in Pipeline Transportation of Gas and Liquid Hydrocarbons Part 1 Polyolefin Coatings (3 Layer PE and 3 Layer PP)	—	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 24/T-140]

S.K. GUPTA, Sc. 'F' & Head (MTD)

नई दिल्ली, 19 जून, 2006

का.आ. 2457 .—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 8062 : 2006—प्राकृतिक गैस, तेल और द्रव के परिवहन के लिए भूमिगत पाइपलाइन/संरचना की कोथोडिक सुरक्षा-रीति संहिता (पहला पुनरीक्षण)	आई एस 8062 (भाग 2) : 1976	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.टी.डी. 24/टी-139]

एस.के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 19th June, 2006

S.O. 2457.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS : 8062 : 2006—Cathodic Protection of Buried Pipeline/Structure for Transportation of Natural Gas, Oil and Liquids—Code of Practice (First Revision).	IS 8062 (Part 2) : 1976	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 24/T-139]

S. K. GUPTA, Sec. 'F' & Head (MTD)

नई दिल्ली, 19 जून, 2006

का.आ. 2458 .—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15659(भाग 2) : 2006—पेट्रोलियम एवं प्राकृतिक गैस उद्योग—गैस और द्रव हाइड्रोकार्बन के पाइलपाइन परिवहन में प्रयुक्त दबी अथवा निम्न पाइलपाइन हेतु बाह्य लेप भाग 2 फ्यूजन आबद्ध इपॉक्सी लेपन	—	30 अप्रैल, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.टी.डी. 24/टी-140]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 19th June, 2006

S.O. 2458.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS : 15659 (Part 2) : 2006—Petroleum and Natural Gas Industries—External Coatings for Buried or Submerged Pipelines used in Pipeline Transportation of Gas and Liquid Hydrocarbons Part 2 Fusion Bonded Epoxy Coatings	—	30 April, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. MTD 24/T-140]

S. K. GUPTA, Sc. 'F' & Head (MTD)

नई दिल्ली, 19 जून, 2006

का.आ. 2459.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उपनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से निरस्त कर दिया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/ पक्रम सम्बद्ध भारतीय मानक का शीर्षक	निरस्त करने की तिथि
1	2	3	4	5
1.	7028461	वर्धमान कबल्स एंड कंडक्टर्स, 129/सी, शिनोली (बीके), तालुका चांदगड, जिला-कोल्हापुर-416 508	694-1100 वो. तक और कार्यकारिता बोल्टता के लिए पीवीसी रोधित कबल्स	06-06-2005
2.	7405465	इंद्रायणी फूड्स लिमिटेड, गेट संख्या 475, ऑफ एनएच 4, धांगरवाडी, शिरवाल, जिला-सतरा	14543—पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	09-12-2005
3.	7483081	दीपसागर इंडस्ट्रीज, गेट संख्या 124, एट पोस्ट चौकक, तालुका हटकंगले, जिला-कोल्हापुर-412 261	4984—पेयजल आपूर्ति के लिए उच्च घनत्व पॉलिथिलीन पाइप	16-01-2006

[संदर्भ सीएमडी-1/13 : 13]

एस. एम. भटिया, उप महानिदेशक (मुहर)

New Delhi, the 19th June, 2006

S.O. 2459.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each :

SCHEDULE

Sr. No.	Licence No.	Name and address of the licensee	Article/process with relevant Indian Standard covered by the licence	Date of cancellation
1	2	3	4	5
1.	7028461	Vardhaman Cables & Conductors, 129/C, Shinoli (B.K.), Taluka Chandgad, Distt. Kolhapur.	694—PVC Insulated Cables for working voltages upto and including 1100V	6-6-2005
2.	7405465	Indrayani Foods Ltd., Gat No. 475, Off. N.H. 4, Dhangarwadi, Shirwal, Distt. Satara.	14543—Packaged Drinking Water (Other than packaged Natural Mineral water)	9-12-2005
3.	7483081	Deepsagar Industries, Gat No. 124, at Post Chokak, Taluka Hatkangale, Distt. Kolhapur.	4984—High density polyethylene pipes for potable water supplies.	16-01-2006

[Ref. : CMD-1/13 : 13]

S. M. BHATIA, Dy. Director General

नई दिल्ली, 19 जून, 2006

का.आ. 2460.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि वे लाइसेंस जिनके विवरण नीचे अनुसूची में दिए गए हैं, को उनके आगे दर्शाए गई तिथि से रद्द कर दिया गया है :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम एवं पता	लाइसेंस के अंतर्गत वस्तु/ प्रक्रम सम्बद्ध भारतीय मानक सहित	रद्द करने की तिथि
1	2	3	4	5
1.	1166241	मैसर्स भांगर एंटरप्राइजेज, 211, जीआईडीसी, इंडस्ट्रियल एस्टेट, उमरगाम, जिला वलसाड-396171	कृषि और जलपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प-विशिष्ट भा.मा. 9079 : 2002	30-09-2005
2.	1675161	मैसर्स अमृत इंजीनियरिंग प्रा.लि., 115/1-2, जीआईडीसी एस्टेट, विसनगर, जिला मेहसाणा	सब्सिबल पंपसेट्स भा.मा. 8034 : 2002	12-04-2005
3.	2281145	मैसर्स अमृत इंजीनियरिंग प्रा.लि. 115/1-2, जीआईडीसी एस्टेट, विसनगर, जिला मेहसाणा	मोटर्स फॉर सब्सिबल भा.मा. 9283 : 1995	12-04-2005
4.	7133559	मैसर्स बायर कॉर्पोरेशन इंडिया लि., प्लॉट नंबर 6301-6310ए, जीआईडीसी एस्टेट, अंकलेश्वर, जिला भरूच-393002	डेल्टामेथ्रिन ई.सी. भा.मा. 11996 : 1987	02-03-2005
5.	7165572	मैसर्स भांगर एंटरप्राइजेज, 211, जीआईडीसी, इंडस्ट्रियल एस्टेट, उमरगाम, जिला वलसाड-396 171	सब्सिबल पंपसेट्स भा.मा. 8034 : 2002	5-10-2005
6.	7181368	मैसर्स विशाल लाइम्स प्रा.लि., ब्लॉक नंबर 75, विलेश्वरपुरा, मेहसाणा एस्टेट रोड, तालुका कलोल, जिला गांधी नगर-382 739	सीमेंट पेंट भा.मा. 5410 : 1992	19-10-2004
7.	7197181	मैसर्स लेमीफेब इंडस्ट्रीज, प्लॉट नंबर 4703, जीआईडीसी सारिगाम, तालुका उमरगाम, जिला वलसाड-396 171	वस्त्रादि-उच्च धनत्व पोलिथिलीन बुने कपड़े से बने तिरपाल-विशिष्ट भा.मा. 7903 : 1995	20-7-2005
8.	7214761	मैसर्स सेफ्टी सर्विसेज, जे-5245, जीआईडीसी एस्टेट, अंकलेश्वर, जिला भरूच-393 002	औद्योगिक सुरक्षा पेटी और बचनसज्जा भा.मा. 3521 : 1999	07-06-2005
9.	7287485	मैसर्स गुजरात प्रेशर पाईप प्रा.लि. 549/1ए, गांव वडसर, खात्रज चौकड़ी तालुका कलोल, जिला मेहसाणा-382 721	एस्वेस्टस सीमेंट के दाब पाइप भा.मा. 1592 : 1989	28-09-2004
10.	7344168	मैसर्स मुक्तनंदन पाईप्स लि., प्लॉट नंबर 1517, गांव मोती भोयान, कारोली पाटिया, कलोल-खत्रराज रोड, तालुका कलोल, गांधीनगर-382 721	मृदु इस्पात के पाइप, नलिकाएं तथा पिटवां इस्पात की फिटिंग-विशिष्ट भाग 1 मृदु इस्पात के पाइप, भा.मा. 1239 (भाग 1) : 1990	27-06-2005

1	2	3	4	5
11.	7347477	मैसर्स केशरिया वाटर प्यूरीफायर्स प्रा.लि., प्लॉट नंबर 230/4 से 6, जी.आई.डी.सी., चांदीसर, पालनपुर, जिला-बनासकांठा-385 510	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भा.मा. 14543 : 2004	29-09-2005
12.	7389392	मैसर्स क्रूनाल ज्वेलर्स, सी/325, सुपरमाल, लाल बंगलो के पास, सी.जी. रोड, जिला-अहमदाबाद-380006	स्वर्ण आभूषणों पर हॉलमार्किंग-रिटेलर भा.मा. 1417 : 1999	9-9-2005
13.	7400657	मैसर्स धारा एंटरप्राइजेज, बी-1, गणपति प्लाजा कतरगाम दरवाजा, सूरत-396 004	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भा.मा. 14543 : 2004	6-7-2005
14.	7417775	मैसर्स पंचमहल वाटर प्यूरीफाइंग इंडस्ट्रीज, शेड नंबर एल-202, जी.आई.डी.सी. इंडस्ट्रियल एस्टेट, गोधरा, जिला पंचमहल-389 001	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भा.मा. 14543 : 2004	29-09-2005
15.	7430262	मैसर्स चितन बेवरेजिस, 218, महागुजरात इंडस्ट्रियल एस्टेट, मोरैया तालुका सानंद, जिला-अहमदाबाद-382210	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भा.मा. 14543 : 2004	27-4-2005
16.	7437781	मैसर्स श्री गायत्री बेवरेजिस इंक., प्लॉट नंबर 30/6, जीआईडीसी, फेज 3, नरोड, जिला अहमदाबाद-380030	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भा.मा. 14543 : 2004	1-7-2005
17.	7464885	मैसर्स मेकनो कास्ट प्रा.लि., 2808, फेज 4, जीआईडीसी, वटवा, जिला-अहमदाबाद-382 445	सब्सिबल पंपसेट्स भा.मा. 8034 : 2002	21-10-2005
18.	7485186	मैसर्स न्यू संजय प्रोडक्ट, शेड नंबर 1 से 7, जीआईडीसी एस्टेट, सिद्धपुर रोड, पाटन, जिला मेहसाणा-384 265	सब्सिबल पंपसेट्स भा.मा. 8034 : 2002	22-2-2006
19.	7496191	मैसर्स मोनिल इंडस्ट्रीज, प्लॉट नंबर 60, सतगुरु कॉलोनी, नशनल हाईवे नंबर 8, किला पार्डी, वलसाड-396 125	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा) भा.मा. 14543 : 2004	6-1-2006

[संदर्भ : सीएमडी-1/13 : 13]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

New Delhi, the 19th June, 2006

S.O. 2460 .---In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licence No.	Name and address of the licensee	Article/process with relevant Indian Standard covered by the licence	Date of Cancellation
1	2	3	4	5
1.	1166241	Bhangar Enterprises, 211, GIDC Industrial Estate, Umbergam City : Umbergam Dist : Valsad State : Gujarat. Pin : 396171	IS 9079 : 2002 Electric Monoset Pumps for clear, cold water for agricultural & water supply purposes.	30-09-2005

1	2	3	4	5
2.	1675161	Amrit Engg. Pvt. Ltd., 115/1-2 GIDC Estate, Kansa Road, City : Vishnagar, Distt. Mahesana State : Gujarat	IS 8034 : 2002 Submersible Pumpsets.	12-04-2005
3.	2281145	Amrit Engg. Pvt. Ltd., 115/1-2 GIDC Estate, Kansa Road, City : Vishnagar, Distt : Mahesana, State : Gujarat	IS 9283 : 1995 Motors for Submersible	12-04-2005
4.	7133559	Bayer Cropscience India Ltd., Plot No. 6301-6310A, GIDC Estate, Ankleshwar-393002, Dist : Bharuch State : Gujarat	IS 11996 : 1987 Deltamethrin EC	02-03-2005
5.	7165572	Bhangar Enterprises, 211, GIDC Industrial Estate, Umbergam Distt. : Valsad State : Gujarat Pin : 396171	IS 8034 : 2002 Submersible Pumpsets	5-10-2005
6.	7181368	Vishal Limes Pvt. Ltd., Block No. 75, Bileshwarapura, Mehasana Estate Road, Tal. Kalol, City : Kalol Dist : Gandhinagar State : Gujarat Pin : 382739	IS 5410 : 1992 Cement Paint	19-10-2004
7.	7197181	Lamifab Industries, Plot No. 4703, GIDC, Sarigam, Tal. Umergaon City : Umergaon Dist. : Valsad, State : Gujarat Pin : 396171	IS 7903 : 1995 Textiles-tarpaulins made from high density polyethylene woven fabric	20-7-2005
8.	7214761	Safety Services, J-5245, GIDC Estate, Ankleshwar City : Ankleshwar Dist : Bharuch State : Gujarat Pin : 393002	IS 3521 : 1999 Industrial Safety Belts and Harnesses	07-06-2005
9.	7287485	Gujarat Pressure Pipes Private Limited, 549/1A, Mouje, Village—Vadsar, Khatraj Choukdi, Tal—Kalol Dist : Mahesana State : Gujarat Pin : 382721	IS 1592 : 1989 Asbestos Cement Pressure Pipes	28-09-2004

1	2	3	4	5
10.	7344168	Muktanandan Pipes Ltd., Plot No. 1517, Village : Moti Bhoyan, at Karoli Patia, Kalol—Khatraj Road, Tal : Kalol Dist : Gandhinagar State : Gujarat Pin : 382721	IS 1239 (Pt. 1) : 1990 Mild Steel Tubes, Tubulars and other wrought steel fittings Part I Mild Steel Tubes	27-06-2005
11.	7347477	Keshariya Water Purifiers Private Limited, Plot Number 230/4 to 6, GIDC, Chandisar Palanpur, City : Palanpur Dist : Banas Kantha State : Gujarat, Pin : 385510	IS 14543 : 2004 Packaged Drinking Water (other than packaged natural mineral water)	29-09-2005
12.	7389392	Krunal Jewellers, C/325, Supermall, Near Lal Banglow, C. G. Road, City : Ahmadabad, Dist : Ahmedabad, State : Gujarat, Pin : 380006	IS 1417 : 1999 Gold and Gold Alloys	9-9-2005
13.	7400657	Dhara Enterprises, B-1 Banpati Plaza, Katargam Darwaja, Surat, City : Surat, Dist : Surat, State : Gujarat, Pin : 395004	IS 14543 : 2004 Packaged Drinking Water (other than packaged natural mineral water)	6-7-2005
14.	7417775	Panchmahal Water, Purifying Industries, Shed Number L-202, GIDC Industrial Estate, Godhra, City : Godhra, Dist : Panchmahal, State : Gujarat, Pin : 389001	IS 14543 : 2004 Packaged Drinking Water (other than packaged natural mineral water)	29-9-2005
15.	7430262	Chintan Beverages, 218 Mahagujarat Industrial Estate, Moraiya, Ta : Sanand Dist, Ahmedabad, City : Ahmedabad, Dist : Ahmedabad, State : Gujarat, Pin : 382210	IS 14543 : 2004 Packaged Drinking Water (other than packaged natural mineral water)	27-4-2005

1	2	3	4	5
16. 7437781	Shree Gayatri Beverages Inc., Plot No. 30/6, GIDC, Phase 3 Naroda, Ahmedabad-380030 City : Ahmedabad, Dist : Ahmedabad, State : Gujarat, Pin : 380030	IS 14543 : 2004 Packaged Drinking Water (other than packaged natural mineral water)	1-7-2005	
17. 7464885	Mechno Cast Pvt. Ltd., 2808, Phase 4, GIDC, Vatva City : Ahmadabad, Dist : Ahmadabad, State : Gujarat, Pin : 382445	IS 8034 : 2002 Submersible Pumpsets	21-10-2005	
18. 7485186	M/s New Sanjay Product, Patan	IS 8034 : 2002 Submersible Pumpsets	22-2-2006	
19. 7496191	Monil Industries, Plot No. 60, N. H. No. 8, Killa Pardi Valsad City : Valsad Dist. : Valsad State : Gujarat Pin : 396125	IS 14543 : 2004 Packaged Drinking Water (other than packaged natural mineral water)	6-1-2006	

[Ref: CMD-1/13: 13]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 21 जून, 2006

का.आ. 2461.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15662 : 2006 भाराश्रित बांधों तथा उत्पलावी संरचनाओं के भूगर्भीय अन्वेषण—रीति संहिता	—	31-05-2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, नागपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : डब्ल्यू.आर.डी. 5/टी-24]

अनिलेश एम. डेविड, निदेशक (जल संसाधन)

New Delhi, the 21st June, 2006

S.O. 2461.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each

SCHEDULE

Sl. No.	No., title and year of the Indian Standards Established	No. and year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS : 15662 : 2006 Geological Exploration for Gravity Dams and Overflow Structures—Code of Practice	—	31-5-2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: WRD 5/T-24]

ANILESH M. DAVID, Director (Water Resources)

नई दिल्ली, 22 जून, 2006

का.आ. 2462 .— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई 12591 : 2006/आईएसओ 11950 : 1995—अतप्त-लघुकृत विद्युत अपघटनी क्रोमियम/क्रोमियम ऑक्साइड—लेपित इस्पात (पहला पुनरीक्षण)	आईएस 12591 : 1988	31 मई, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम.टी.डी. 4/टी-179]

एस.के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 22nd June, 2006

S.O. 2462 .—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS : 12591 : 2006/ISO 11950 : 1995— Cold-reduced electrolytic chromium/chromium oxide— coated steel (first revision)	IS 12591 : 1988	31 May, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-179]

S.K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 2463.—केन्द्रीय सरकार का, इंडस्ट्रीज कनाडा की एक एजेंसी मेजरमेंट्स कनाडा द्वारा जारी किए गए मॉडल अनुमोदन प्रमाणपत्र के साथ विहित प्राधिकारी प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाप्त हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) और उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनके प्रधान विनिर्माता मैसर्स ग्रेको इन्क, 88-11 वा एवेन्यू एन ई मिनपोलिज, एम एन यू.एस.ए. 55413 द्वारा विनिर्मित और भारत में मैसर्स गल्फ ऑयल कार्पोरेशन लि., लुब्रीकेंट डिविजन, रिजनल ऑफिस, बी 5/23, सफदरजंग एल्कलेव, नई दिल्ली-110029 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन वाले फ्लेक्सिबल नॉजल एसेम्बल किट 239951 के साथ 238-458 मॉडल डिजाइनेशन के इलेक्ट्रॉनिक मीटर डिस्पेंसर ई एम 5, जिसे अनुमोदन चिन्ह आई एन डी/13/2005/851 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



यह मॉडल स्वयं सेवा एप्लीकेशन की बजाए एटेण्डेंट द्वारा ऑटोमोटिव स्नेहक तेल की खुदरा मात्राएं परिदान करने के लिए हाथ से पकड़े जाने वाला विस्टल ग्रिप डिस्पेंसर है। इसका मीटर मापने का इलेमेंट पॉसिटिव डिस्प्लेसमेंट ओबल गियर प्रकार का है जिसकी प्रवाह दर 15 लीटर/मिनट है। मीटरीकृत द्रव को एक गोले पाईप के जरिए निस्सारित किया जाता है जिसमें सिंग्र प्रचालित एन्टी ड्रैन यंत्र लगा होता है। इलेक्ट्रॉनिक रजिस्टर में माइक्रोप्रोसेसर बोर्ड होता है जो लिथियम बैटरी से चलता है, रजिस्टर में पांच अंकों वाला क्रिस्टल प्रदर्शक, कुल और रीसेट बटन लगा हुआ है। मात्रा सूचक में तीन दशमलव के स्थान हैं जिसकी अधिकतम परिदान 99.999 लिटर और न्यूनतम वृद्धि 0.001 लिटर है। अधिकतम टोटेलार्डजर पठन 99999 लिटर है, मीटर 5°C से 40°C के परिवेशी परिस्थितियों के बीच प्रचालित करने के लिए अनुमोदित है।

[फा. सं. डब्ल्यू एम-21(256)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 2463.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Measurements Canada, an agency of Industry Canada is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (3) and sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Electronic Meter Dispenser EM 5 of model designation 238-458 with flexible nozzle assemble kit 239951 manufactured by their principles M/s Graco Inc 88- 11th Avenue, N.E. Minneapolis, MN, USA 55413 and sold in India without any alteration before after sales by M/s. Gulf Oil Corporation Limited, Lubricant Division, Regional Office. B5/23, Safdarjung Enclave, New Delhi 29 and which is assigned the approval mark IND/13/2005/851;



The model is a hand held pistol grip dispenser for delivering retail quantities of automotive lubricating oils by attendant serve only and not for self serve application. The metering element is of the positive displacement oval gears type with maximum flow of 15 litre/minute. The metered liquid is discharged through a wet hose that is fitted with a spring operated anti drain value. Electronic register containing a microprocessor board powered by a lithium battery, the register has five digit liquid crystal display, a total and reset button. The quantity indication has three decimal places with a maximum delivery of 99,999 litre, the minimum increment is 0.001 litre. The maximum totalizer reading is 99999 litre. The meter is approved to operate between ambient conditions 5°C to 40°C.

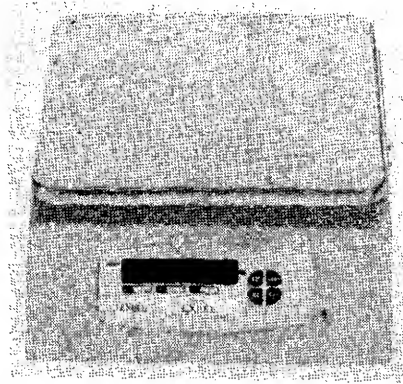
[F. No. WM-21(256)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2464.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडेल वे सिस्टम प्राइवेट लिमिटेड, 1, 2, नटवर श्याम को-आपरेटिव सोसायटी, नजदीक हैवन पार्क, सटेललाइट, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “ई एन टी-1” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “इंडेल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है), और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/103 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) का है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10000 तक के रेंज में सत्यापन मान सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

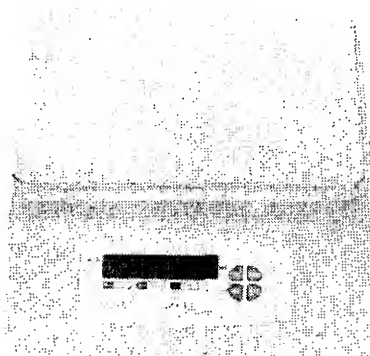
[फा. सं. डब्ल्यू एम-21(310)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2464.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III), of series 'ENT-1' with brand name "ENDEL" (hereinafter referred to as the said Model), manufactured by M/s. Endel Weigh System Pvt. Ltd., 1, 2, Natvar Shyam Co-op. Society, Near Heaven Park, Satellite, Ahmedabad, and which is assigned the approval mark IND/09/2006/103;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(310)/2005]

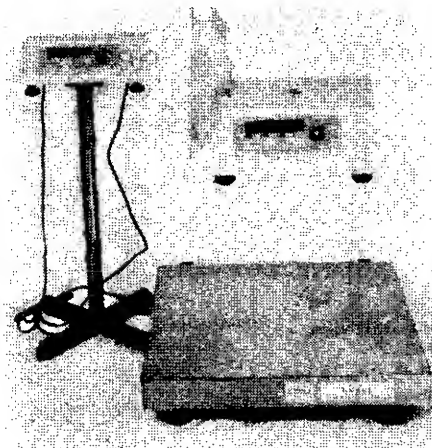
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2465.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडेल वे सिस्टम प्राइवेट लिमिटेड, 1, 2 नटवर श्याम को-ऑपरेटिव सोसायटी, नजदीक हैवन पार्क, सटेलाइट, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ई एन पी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इंडेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/104 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. है और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्ट्रॉप्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मान सहित 50 किलोग्राम से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम-24(310)/2005]

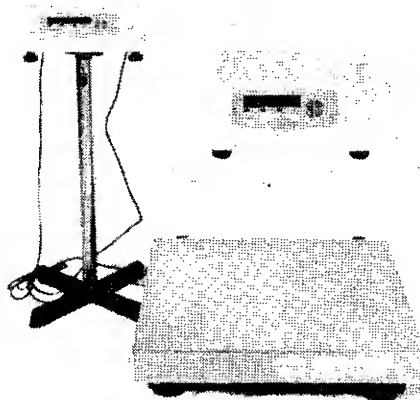
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2465.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III), series 'ENP' with brand name "ENDEL," (herein referred to as the said model), manufactured by M/s. Endel Weigh System Pvt. Ltd., 1,2, Natvar Shyam Co-op.Society, Near Heaven Park, Satellite, Ahmedabad, and which is assigned the approval mark IND/09/2006/104;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity of 500kg and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 50kg and upto 1000kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(310)/2005]

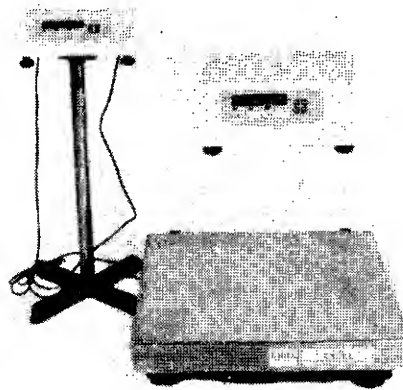
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2466.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडेल वे सिस्टम प्राइवेट लिमिटेड, 12 नटवर श्याम को-आपरेटिव सोसायटी, नजदीक हैवन पार्क सटेलाइट, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “ई एन पी-1” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम “इंडेल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/105 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 किलोग्राम से 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(310)/2005]

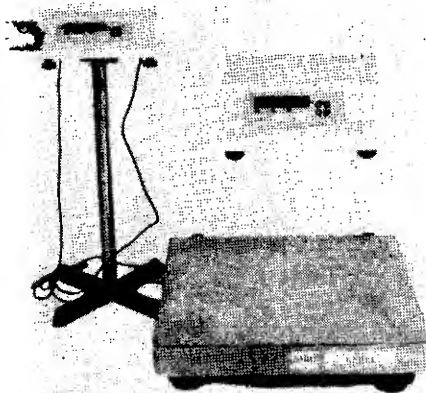
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2466.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III), of series 'ENP-1' with brand name "ENDEL" (herein after referred to as the said model), manufactured by M/s. Endel Weigh System Pvt. Ltd., 12 Natvar Shyam Co-op. Society, Near Heaven Park, Satellite, Ahmedabad and which is assigned the approval mark IND/09/2006/105;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50kg and Upto 5,000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

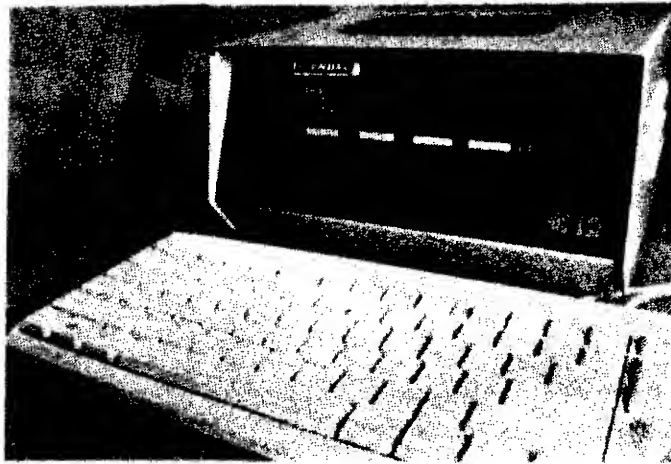
[F. No. WM-21(310)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2467.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडेल वे सिस्टम प्राइवेट लिमिटेड, 1, 2 नटवर श्याम को-आपरेटिव सोसायटी, नजदीक हैवन पार्क सटेलाइट, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ई डब्ल्यू बी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का जिसके ब्रांड का नाम "इंडेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/106 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 40,000 कि.ग्रा. है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोदने में रोकने के लिए सीलबन्ध भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक के रेंज में सत्यापन मान सहित 5000 किलोग्राम से 1,00,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(310)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2467.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III), series 'EWB' with after brand name "ENDEL" (herein referred to as the said model), manufactured by M/s. Endel Weigh System Pvt. Ltd., 1, 2, Natvar Shyam Co-op. Society, Near Heaven Park, Satellite, Ahmedabad, and which is assigned the approval mark IND/09/2006/106;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity of 40,000kg and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 5000 kg and upto 1,00,000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

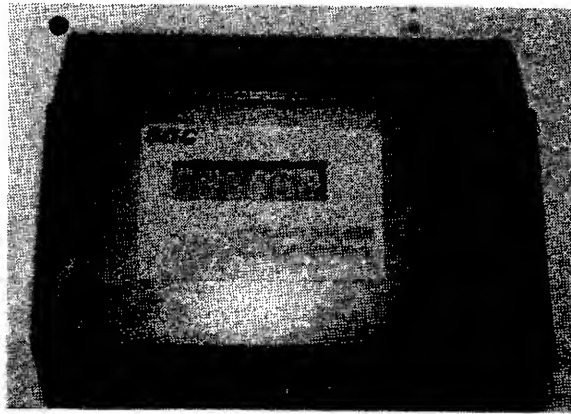
[F. No. WM-21(310)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 17 मई, 2006

का. आ. 2468.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस जी इलेक्ट्रॉनिक्स, बी-11, द्वारकानगर, बीजापुर रोड, शोलापुर, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “एस जी सी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वे ब्रिज हेतु कन्वर्सन किट) के मॉडल का जिसके ब्रांड का नाम “एवरी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/46 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (वे ब्रिज हेतु कन्वर्सन किट) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलने परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा तथा सामग्री, यथार्थता, डिजाइन, सर्किट चित्र, कार्य प्रणाली आदि की दृष्टि से मॉडल में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के “ई” मान के लिए 5,00 से 10,000 तक के रेंज में सत्यापन मान अंतराल सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

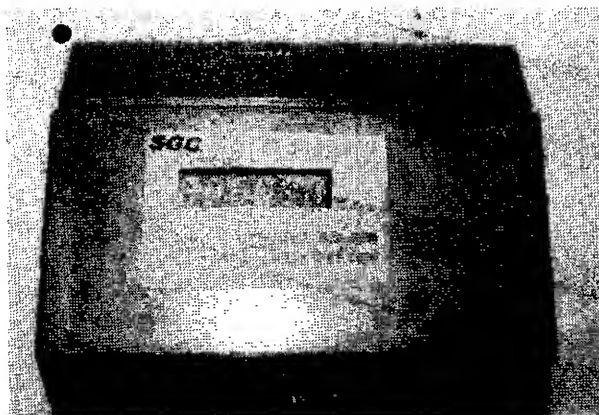
[फा. सं. डब्ल्यू एम-21(147)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2468.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for Weighbridge) with digital indication of medium accuracy (Accuracy class-III), of series 'SGC' and with brand name "EVERY" (herein after referred to as the said model), manufactured by M/s. S.G. Electronics, B-11, Dwaraka Nagar, Bijapur Road, Sholapur, Maharashtra and which is assigned the approval mark IND/09/2006/46:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Weighbridge) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(147)/2004]

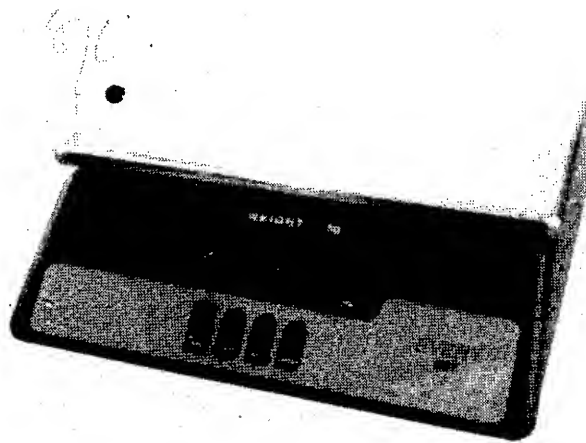
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2469.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस. जी. इलेक्ट्रॉनिक्स, बी-11, द्वारकानगर, बीजापुर रोड, शोलापुर, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “एस जी टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम “एवरी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/44 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्त है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा। तथा सामग्री, यथार्थता, डिजाइन, सर्किट चित्र, कार्य प्रणाली आदि की दृष्टि से मॉडल में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम तक ‘ई’ मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के ‘ई’ मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(147)/2004]

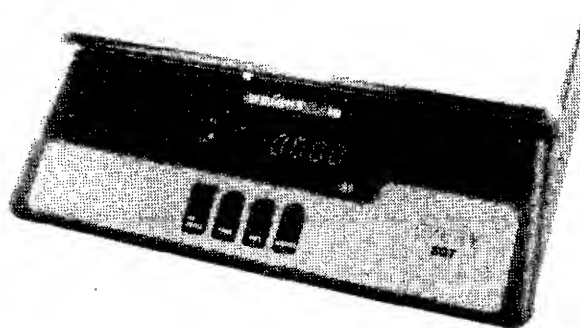
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2469.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series 'SGT' and with brand name "EVERY" (herein after referred to as the said Model), manufactured by M/s. S. G. Electronics, B-11, Dwaraka Nagar, Bijapur Raod, Sholapur, Maharashtra and which is assigned the approval mark IND/09/06/44;

The said Model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(147)/2004]

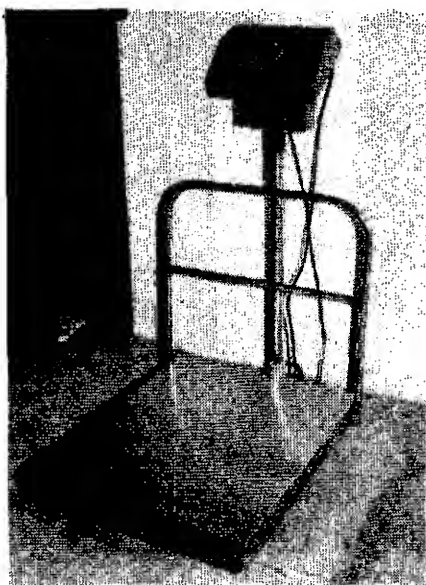
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2470.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस जी इलेक्ट्रॉनिक्स, बी-11, द्वारकानगर, बीजापुर रोड, शोलापुर, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एस जी पी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम "एवरी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/45 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा तथा सामग्री, यथार्थता, डिजाइन, सर्किट चित्र, कार्य प्रणाली आदि की दृष्टि से मॉडल में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(147)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2470.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series 'SGP', and with brand name "EVERY" (hereinafter referred to as the said model), manufactured by M/s. S. G. Electronics, B-11, Dwaraka Nagar, Bijapur Raod, Sholapur, Maharashtra and which is assigned the approval mark IND/09/06/45;

The said model is strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 1000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(147)/2004]

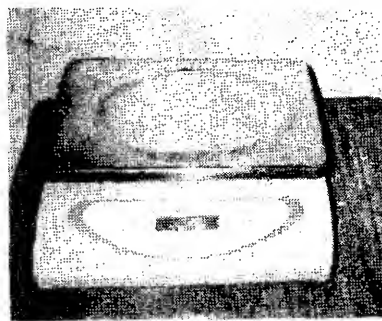
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2471.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हाइटेक इंस्ट्रुमेंट्स, 15/ए, आदर्श विद्या मंदिर के सामने, कुलगौव, बदलापुर, जिला ठाणे, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले “टी टी एम-30” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम “हाइटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/233 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 35 किलो ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के को सील करने अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोल जाने से रोकने के लिए भी सीलबन्द किया जाएगा। और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि की दृष्टि से मॉडल में कोई परिवर्तन नहीं किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्राम के “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^{\text{क}}$, $2 \times 10^{\text{क}}$ या $5 \times 10^{\text{क}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(173)/2004]

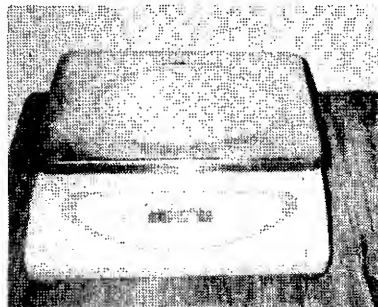
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2471.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table type) with digital indication of "TTM-30" series of high accuracy (Accuracy class-II) and with brand name "HITECH" (herein referred to as the said model), manufactured by M/s Hitech Instruments, 15/A, Opposite Adarasha Vidya Mandir, Kulgaon, Badlapur, Dist. Thane, Maharashtra and which is assigned the approval mark IND/09/06/233;

The said model (see the figure given below) is strain gauge type load cell based weighing instrument with a maximum capacity of 35kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(173)/2004]

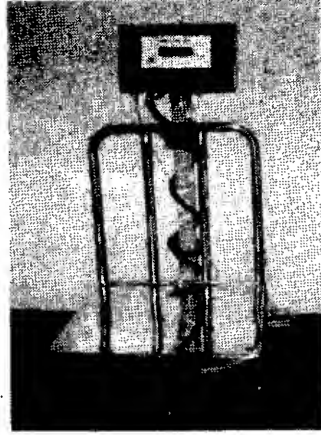
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2472.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हाइटेक इंस्ट्रुमेंट्स, 15/ए, आदर्श विद्या मंदिर के सामने, कुलगाँव, बदलापुर, जिला ठाणे, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले “पी टी एम-60” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम “इइटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/234 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 60 किलो ग्रा. और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्ध किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन नहीं किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे, जो 1 मि. ग्राम से 50 मि. ग्राम के “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 200 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(173)/2004]

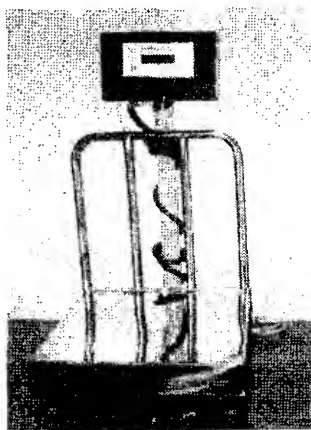
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2472.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of "PTM-60" series of high accuracy (Accuracy class-II) and with brand name "HITECH" (herein referred to as the said model), manufactured by M/s Hitech Instruments, 15/A, Opposite Adarsha Vidya Mandir, Kulgaon, Badlapur, Dist. Thane, Maharashtra and which is assigned the approval mark IND/09/06/234;

The said model (see the figure given below) is strain gauge type load cell based weighing instrument with a maximum capacity of 60kg and minimum capacity of 250g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50kg and upto 200 kg with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(173)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 17 मई, 2006

का. आ. 2473.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिद्धी इंटरप्राइसिज, कमल नगर, सर्वे नं. 3, वडगांव शेरी, पुणे-411 014, महाराष्ट्र द्वारा निर्मित "एसीओएन-150" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "एटीएम कैसीओ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/159 सम्बन्धित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (व्यक्ति तोलन मशीन) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्राम है। प्रकाश उत्सर्जक डायोड (एल ईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 100 कि. ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(03)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th May, 2006

S.O. 2473.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Person Weighing Machine) with digital indication of "ACON-150" series of medium accuracy (accuracy class-III), and with brand name "ATM CASIO" (herein referred to as the said model), manufactured by M/s. Siddhi Enterprises, Kamal Nagar, Survey No. 3, Vadgaon Sheri, Pune-411 014, Maharashtra and which is assigned the approval mark IND/09/2006/159.



The said model is strain gauge type load cell non-automatic weighing instrument (Person Weighing Machine) with a maximum capacity of 150kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 100kg. and up to 200kg. with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

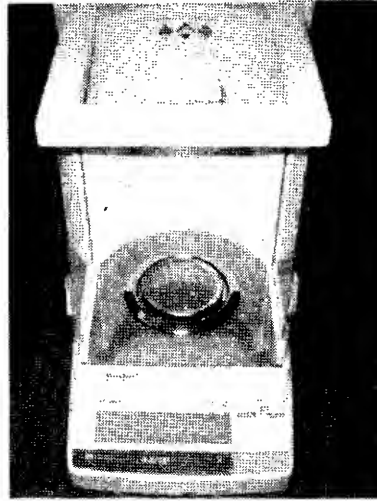
[F. No. WM-21(03)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 मई, 2006

का. आ. 2474.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलेडो, जी एम बी एच, I एम लैंगेचर 8606, ग्रीफैन्सी, स्विटजरलैण्ड द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-I) वाले "एबी-एस" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे किसी परिवर्तन या परिवर्धन के बिना भारत के मैसर्स अश्वो इंडस्ट्रीज लिमिटेड, लैब हाऊस, एफ-13, एम.आई.डी.सी., अंधेरी (पूर्व), मुंबई-400 072, महाराष्ट्र को बेचा गया और जिसे अनुमोदन चिह्न आई एन डी /09/2005/1083 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक इलेक्ट्रॉनिक भार सेल आधारित, अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। ≥ 220 ग्रा. है। ई ≥ 1 मि.ग्रा. के संबंध में सत्यापन मापमान अंतराल एन $\leq 2,20,000$ के लिए ई ≤ 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 12 वोल्ट प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 50000 से अधिक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(112)/2005]

पी. ए. कृष्णामूर्ति, निदेशक विधिक माप विज्ञान

New Delhi, the 18th May, 2006

S.O. 2474.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Nederlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso of sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication of special accuracy class (Accuracy Class-I) and of series 'AB-S' with brand name 'Mettler-Toledo' and manufactured by M/s. Mettler-Toledo GmbH, Im Langacher, 8606 Greifensee, Switzerland and sold in India without any alteration or additions by M/s Ashco Industries Limited, Lab House, F-13, MIDC, Andheri (E), Mumbai-400 072 and which is assigned the approval mark IND/13/05/1083;



The said model is an electronic and measuring cell based non-automatic weighing instrument (Table Top type) with maximum capacity $\leq 220\text{g}$, $e \geq 1\text{mg}$ in respect of verification scale interval $n \leq 2,20,000$ for $e \geq 1\text{mg}$. It has a tare device with a 100 percent subtractive retained tare effect. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) 50,000 or more for 'e' value of 1 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

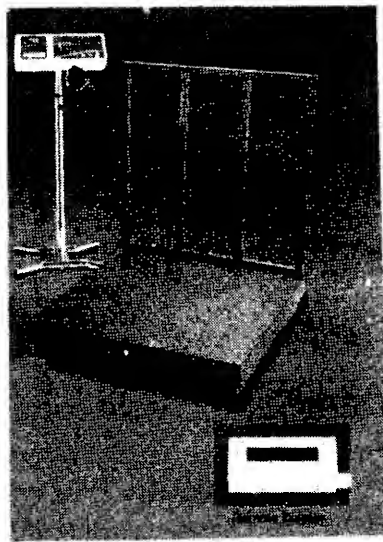
[F. No. WM-21(112)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मई, 2006

का. आ. 2475.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आशिष इलेक्ट्रॉनिक्स, 79/620, गुजरात हाउसिंग बोर्ड, नजदीक केन्द्र खोखरा, अहमदाबाद-26 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II), वाले 'ए एस पी -500' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ऐसी डिगी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/06/232 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

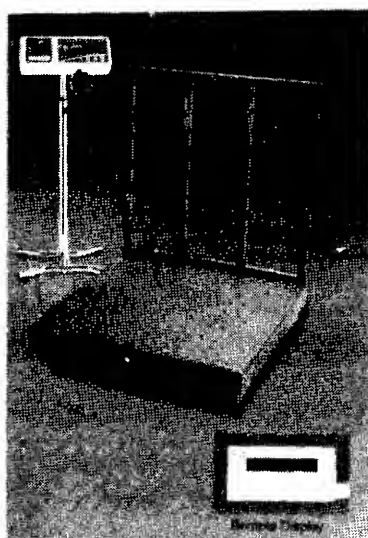
[फा. सं. डब्ल्यू एम-21(05)/2006]

पी. ए. कृष्णामूर्ति, निदेशक विधिक माप विज्ञान

New Delhi, the 22nd May, 2006

S.O. 2475.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measure (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of “ASP-500” series of high accuracy (Accuracy Class -II) and with brand name “ASI DIGI” (hereinafter referred to as the said Model), manufactured by M/s Ashish Electronics, 79/620, Gujarat Housing Board, Nr. Kendra Khokhara, Ahmedabad-26 and which is assigned the approval mark IND/09/06/232



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230volts and 50-Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity ranging above 50kg to 1000kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

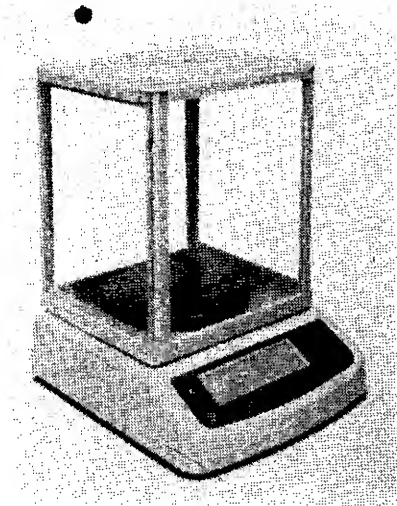
[F. No. WM-21(05)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मई, 2006

का. आ. 2476.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आशिष इलैक्ट्रॉनिक्स, 79/620, गुजरात हाउसिंग बोर्ड, नजदीक केन्द्र खोखरा, अहमदाबाद-26 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'ए एस एच-30' श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ऐसी डिगी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/06/231 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,00 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

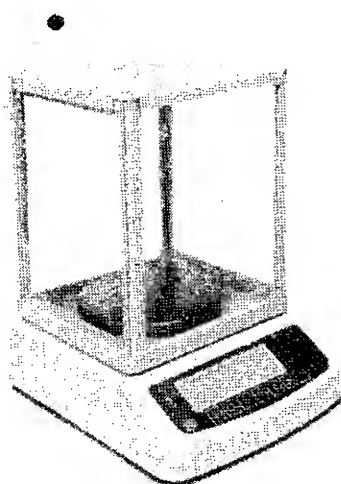
[फा. सं. डब्ल्यू एम-21(05)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd May, 2006

S.O. 2476.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measure (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "ASH-30" series of high accuracy (Accuracy Class -II) and with brand name "ASI DIGI" (herein after referred to as the said model), manufactured by M/s Ashish Electronics, 79/620, Gujarat Housing Board, Nr. Kendra Khokhara, Ahmedabad-26 and which is assigned the approval mark IND/09/06/231.



The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230volts and 50-Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practice.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(05)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मई, 2006

का. आ. 2477.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जनरल इक्विपमेंट्स कम्पनी, न्यू-167 ब्राडवे, चेन्नई-600108, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'के ए वाई-0202' श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कावेरी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/181 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मानपमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

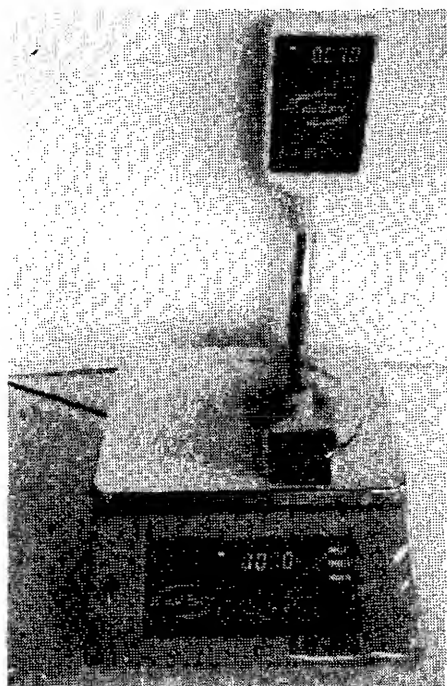
[फा. सं. डब्ल्यू एम-21(25)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd May, 2006

S.O. 2477.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measure (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "KAY-0202" and with brand name "KAVERY" (hereinafter referred to as the said model), manufactured by M/s General Equipments Company, New-167, Broadway, Chennai-600108, Tamil Nadu and which is assigned the approval mark IND/09/06/181.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval(e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230volts and 50-Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practice and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. and with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

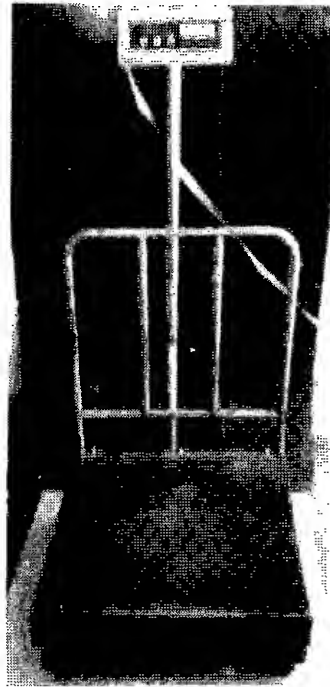
[F. No. WM-21(25)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मई, 2006

का. आ. 2478.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जनरल इक्विपमेंट्स कम्पनी, न्यू-167 ब्राडवे, चेन्नई-600108, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'के ए वाई-1904' श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कावेरी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/182 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

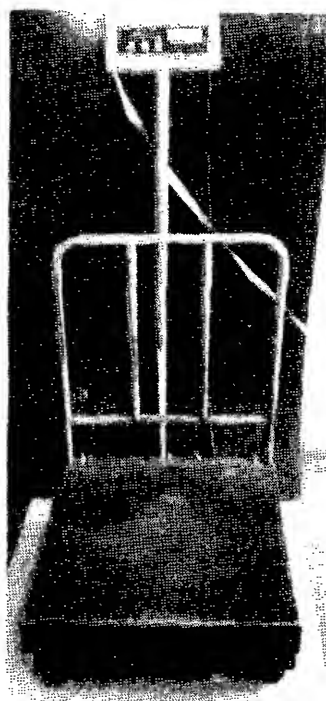
[फा. सं. डब्ल्यू एम-21(25)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd May, 2006

S.O. 2478.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measure (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series “KAY-1904” and with brand name “KAVERY” (hereinafter referred to as the said model), manufactured by M/s General Equipments Company, New-167, Broadway, Chennai-600108, Tamil Nadu and which is assigned the approval mark IND/09/06/182.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230volts, 50-Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practice and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(25)/2006]

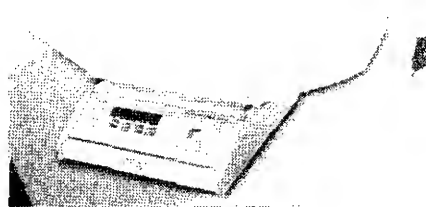
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 मई 2006

का. आ. 2479.—केन्द्रीय सरकार को, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर निवार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जील मेडिकल प्रा. लि., 4/19-ए, पिरामल इंडस्ट्रियल एस्टेट, एस. वी. रोड, गोरेगाव (पश्चिम), मुंबई-400 062, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "जेड बी डब्ल्यू-7" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (शिशु वेइंग मशीन) के मॉडल का, जिसके ब्रांड का नाम "जील" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/265 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

Digital Baby Weighing Scale



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (शिशु वेइंग मशीन) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉडल, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू.एम-21(51)/2006]

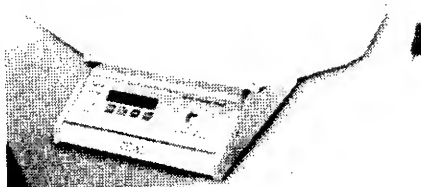
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2006

S.O. 2479.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Baby Weighing Machine) with digital indication of medium accuracy (Accuracy class-III), of series "ZBW-7" and with brand name "ZEAL" (hereinafter referred to as the said model), manufactured by M/s. Zeal Medical Pvt. Ltd., 4/19-A, Piramal Industrial Estates, S. V. Road, Goregaon (W), Mumbai-400 062, Maharashtra and which is assigned the approval mark IND/09/06/265;

Digital Baby Weighing Scale



The said model is a strain gauge type load cell based non-automatic weighing instrument (Baby Weighing Machine) with a maximum capacity of 20kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(51)/2006]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 मई, 2006

का. आ. 2480.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जील मेडिकल प्रा. लि., 4/19-ए, पिरामल इंडस्ट्रियल एस्टेट, एस. वी. रोड, गोरेगाँव (पश्चिम), मुंबई-400062, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "जेड पी डब्ल्यू-2" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "जील" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/266 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि. ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

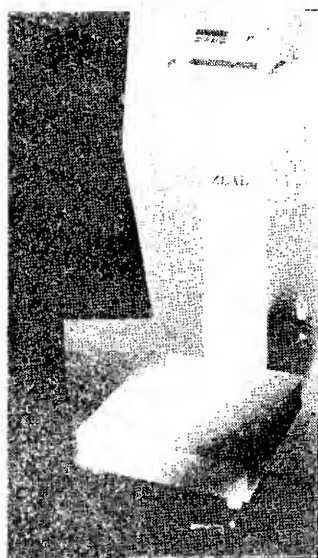
[फा. सं. डब्ल्यू एम-21(51)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2006

S.O. 2480.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Person Weighing Machine) with digital indication of medium accuracy (Accuracy class-III), of series "ZPW-2" and with brand name "ZEAL" (hereinafter referred to as the said model), manufactured by M/s. Zeal Medical Pvt. Ltd., 4/19-A, Piramal Industrial Estate, S. V. Road, Goregaon (W), Mumbai-400 062, Maharashtra and which is assigned the approval mark IND/09/06/266;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Person Weighing Machine) with a maximum capacity of 150kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg to 200kg, with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

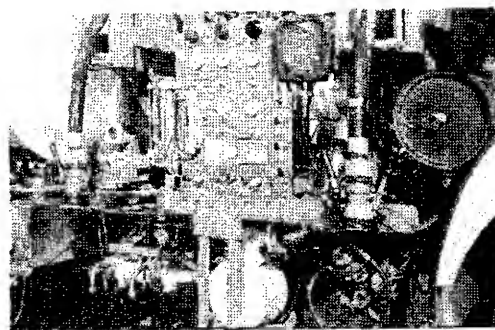
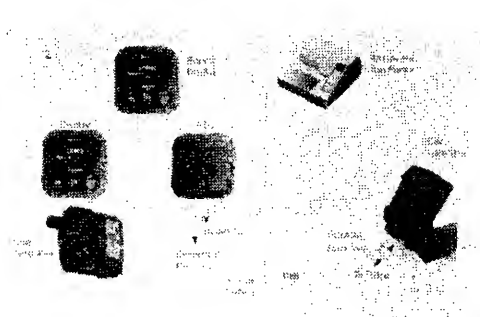
[F. No. WM-21(51)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 मई, 2006

का. आ. 2481.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कोभम फ्लूइड सिस्टम लिमिटेड द्वारा आईवरी हारडोल फ्लूइड मैनेजमेंट, हालैण्ड व्हे, ब्लाण्डफोर्ड फोरम, डोरसेट के निगमन से जिसे भारत में मैसर्स डायनामार्क इंजीनियर्स, 37 व्हाइट हाल, 143, अगस्त क्रांति मार्ग, कैम्पस कोरनर, मुंबई-400036, द्वारा बेचा जा रहा है, द्वारा निर्मित वाटर मॉडल से इतर तरल पदार्थ हेतु मीटर के मॉडल जो सी एम 2500 श्रृंखला का है और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/434 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल पानी के अलावा अन्य तरल पदार्थों के लिए मीटर है जिसमें मैकेनिकल एनालाग वाल्यूम सूचक तथा एक फ्लसर लगा हुआ है। यह 10.5 बार के दबाव में काम करता है। इसका अधिकतम प्रवाह 1400 लीटर/प्रति मिनट तथा न्यूनतम प्रवाह 100 लीटर/मिनट है यह 0.5 वर्ग यथार्थता दर्शाता है। इसका मापन सिद्धान्त पॉजिटिव डिस्प्लेसमेंट का है। मापी गई मात्रा मास्टर लोड-11 अंकन मापन तथा प्रदर्शन सिस्टम पर सूचित की जाती है। 5 अंकों की बीडर रुट प्रिंटिंग मैकेनिज्म तथा प्री सैटिंग मैकेनिज्म कार्यरत है। मापे गए तरल पदार्थ में जिन-जिन विशिष्टियों का उल्लेख किया जाता है वे हैं गैसो लाइन की चिपचिपाहट 0.47 एम पी ए तथा घनत्व 715.3 के जी/एम³ चिपचिपाहट को साल्वेंट 1.45 एम पी ए तथा घनत्व 844 के जी/एम³ गैस तेल की चिकनाहट 3.92 एम पी ए तथा घनत्व 839 के जी/एम³ मापी गई 20 डिग्री सेंटीग्रेड।

उक्त अनुमोदित मॉडल में भारत में बिक्री से पूर्व अथवा बाद में कोई परिवर्तन नहीं किया जाएगा।

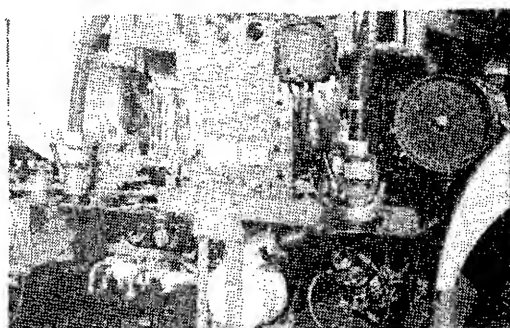
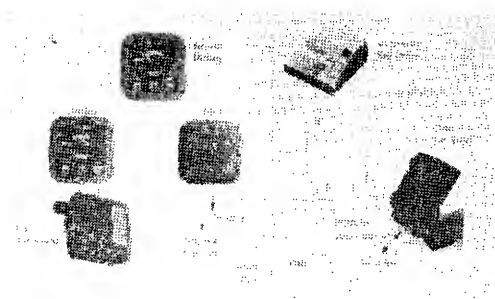
[फा. सं. डब्ल्यू एम-21(157)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2006

S.O. 2481.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is along with the model approval certificate issued by the national Weights and Measures Laboratory, United Kingdom, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the meter for Liquid other than water model of series CM 2500 manufactured by M/s Cobham Fluid Systems Limited, Incorporating Avery Hardoll Fluid Management, Holland Way, Blandford forum, Dorset and Marketed in India by M/s Dynamark Engineers, 37, Whitehall 143, August Kranti Marg, Kemps Corner, Mumbai-400036 and which is assigned the approval mark IND/09/05/434;



The said model is a meter for liquids other than water with a mechanical analog volume indicator and a pulser, working under maximum pressure of 10.5 bar, with a maximum flow rate of 1400 litre/minute and minimum flow rate of 100 litre/minute belonging to accuracy class 0.5 The principal of measurement is positive displacement. The measured quantity is indicated on a Master load II digital measuring and display system. Five digits Veeder Root printing mechanism and presetting mechanisms are optional. The characteristics of fuels measured are Gasoline of viscosity 0.47 mPa.s and density 715.3 kg./m³, Solvent of viscosity 1.45 mPa, s and density 844kg./m³ Gas-Oil of viscosity 3.92 m, Pa/s and density 839 kg./m³ measured at 20° C.

There shall be no alterations be made in the above said approved models before or after sales in India.

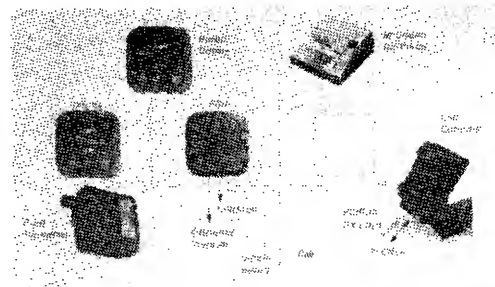
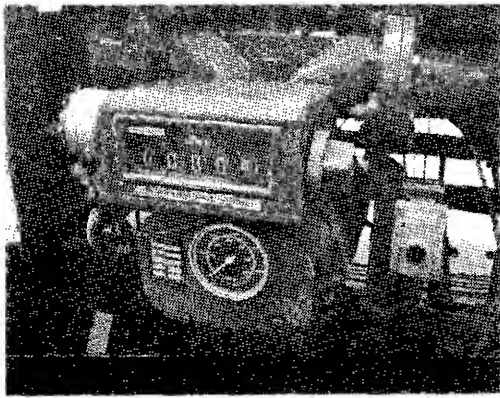
[F. No. WM-21(157)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 मई, 2006

का. आ. 2482.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कोभम फ्लूइड सिस्टम लिमिटेड द्वारा आईवरी हारडोल फ्लूइड मैनेजमेंट, हालैण्ड व्हे, ब्लाण्डफोर्ड फोरम, डोरसेट के निगमन से जिसे भारत में मैसर्स डायनमार्क इंजीनियर्स, 37 व्हाइट हाल, 143, अगस्त क्रांति मार्ग, कैम्पस कोरनर, मुंबई-400036, द्वारा बेचा जा रहा है, द्वारा निर्मित बी एम 650, बी एम 750 तथा 850 के वाटर मॉडल से इतर हैं और जिसे अनुमोदन चिन्ह आई एन डी/13/2005/435 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल पानी के अलावा अन्य तरल पदार्थों के लिए मोटर है जिसमें मैकेनिकल एनॉलाग वाल्यूम सूचक तथा एक प्लसर लगा हुआ है। यह 10.5 बार के दबाव में काम करता है। इसका अधिकतम प्रवाह बी एम 650 हेतु 3000 लीटर/मिनट बी एम 750 हेतु 3400 लीटर/मिनट तथा बी एम 850 हेतु 3850 लीटर/मिनट तथा न्यूनतम प्रवाह 400 लीटर/मिनट है। मापी गई न्यूनतम मात्रा 10 से.मी. अथवा 15 से.मी. फ्लैज की 500 लीटर है जिसकी यथार्थता 0.5 वर्ग है। इसका मापन सिद्धान्त पॉजिटिव डिस्प्लेसमेंट का है। मापी गई मात्रा मास्टर लोड-II अंकन मापन तथा प्रदर्शन सिस्टम पर सूचित की जाती है। 5 अंकों की बीडर रूट प्रिंटिंग मैकेनिज्म तथा प्री सैटिंग मैकेनिज्म कार्यरत है। मापे गए तरल पदार्थ में जिन-जिन विशिष्टियों का उल्लेख किया जाता है वे हैं गैसो लाइन की चिपचिपाहट 0.47 एम पी ए तथा घनत्व 715.3 के जी/एम चिपचिपाहट का साल्वेट 1.45 एम पी ए तथा घनत्व 844 के जी/एम 3 गैस तेल की चिकनाहट 3.92 एम पी ए तथा घनत्व 839 के जी/एम³ मापी गई 20 डिग्री सेंटीग्रेड।

उक्त अनुमोदित मॉडल में भारत में बिक्री से पूर्व अथवा बाद में कोई परिवर्तन नहीं किया जाएगा।

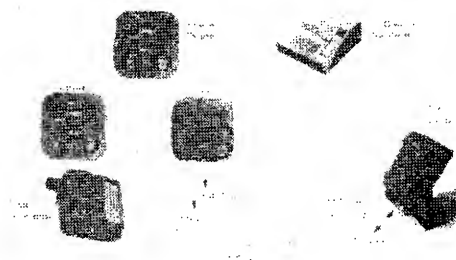
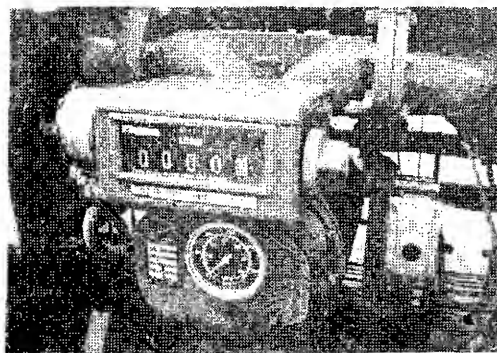
[फा. सं. डब्ल्यू एम-21(157)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd May, 2006

S.O. 2482.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Netherlands Meetinstituut, Hugo de Grootplien, 1, Dordrecht, The Netherlands, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the meter for Liquid other than water Model of BM 650, BM 750, and BM 850 Manufactured by M/s Cobham Fluid Systems Limited, Incorporating Avery Hardoll Fluid Management, Holland Way, Blandford Forum, Dorset and Marketed in India by M/s Dynamark Engineers, 37, Whitehall 143, August Kranti Marg, Kemps Corner, Mumbai-4000036 and which is assigned the approval mark IND/13/05/435 ;



The Model is a meter for liquids other than water with a mechanical analog volume indicator and a pulser, working under maximum pressure of 10.5 bar, with a maximum flow rate of 3000 litres/minute for BM 650, 3400 litres/minute for BM 750 and 3850 litres/minute for BM 850 and with minimum flow rate of 400 litre/minute, minimum measured quantity 500 litre, of flanges 10cm. or 15cm, belonging to accuracy class 0.5. The principle of measurement is positive displacement. The measured quantity is indicated on a master load II digital measuring and display system. The measured quantity is indicated on a five digit Veeder Root mechanical analogue counter with scale interval of 0.1 litre and a totalizing volume counter. Five digits Veeder Root printing mechanism and pre-setting mechanisms are optional. The characteristics of mineral oil measured are gasoline of viscosity 0.47 m Pa.s and density 715.3 kg./m.³, Isopar J of viscosity 1.7 m Pa.s and density 7749 kg./m.³ gas-oil of viscosity 3.92 mPa s and density 839kg/m³ measured at 20° C.

There shall be no alterations be made in the above said approve said models before or after sales in India.

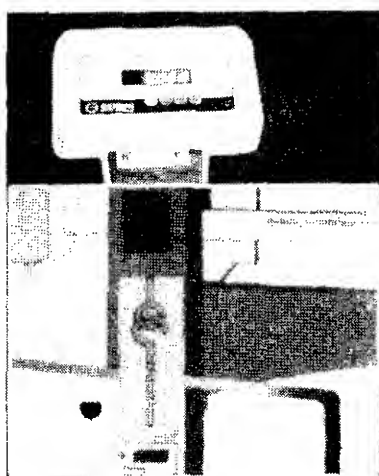
[F. No. WM-21(157)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2483.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री उमा स्केल्स एजेन्सीज, 2/19, पिटा, अपस्टेयर्स, 1 टाउन के पास, कर्नूल-518 001, आंध्र प्रदेश द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एस यू एस-पी सी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कंवर्सन किट) के मॉडल का, जिसके ब्रांड का नाम "जेमनी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/270 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कंवर्सन किट) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्राम है। स्थापन मापमान अंतराल (ई) 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, त्रुटि त्रुटि आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में स्थापन मापमान अंतराल (एन) सहित 50 किलो ग्राम से अधिक और 5000 कि. ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो क्षणात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

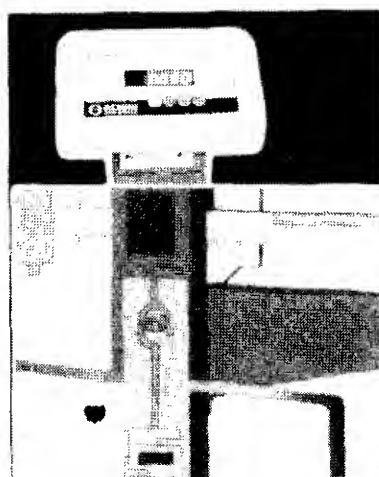
[फा. सं. डब्ल्यू एम-21(49)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधायक माप नियंत्रण

New Delhi, the 29th May, 2006

S.O. 2483.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Conversion Kit Platform machine) with digital indication of medium accuracy (Accuracy class-III), of series "SUS-PC" and with brand name "GEMINI" (hereinafter referred to as the said model), manufactured by M/s. Sri Uma Scales Agencies, 2 /19, Peta, Upstaris, Near 1 Town, Kurnool-518 001 Andhra Pradesh and which is assigned the approval mark IND/09/06/270;



The said model is strain gauge type load cell based non-automatic weighing instrument (Conversion Kit Platform machine) with a maximum capacity of 1000 kg and minimum capacity of 4 Kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg and up to 5000 Kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g, or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

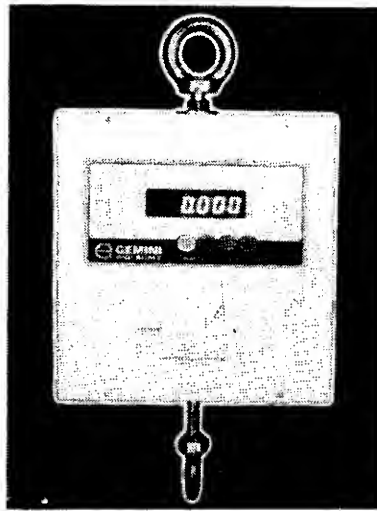
[F. No. WM-21(49)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2484.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री उमा स्केल्स एजेंसीज, 2/19, पिटा, अपस्टेयर्स, 1 टाउन के पास, कर्नूल-518001, आंध्र प्रदेश द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एस यू एस-एच एस" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (हेंगिंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जेमनी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/269 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हेंगिंग प्रकार) है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा। और माडल को इसकी सामग्री, यर्थाथाता डिजाइन सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्राम से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

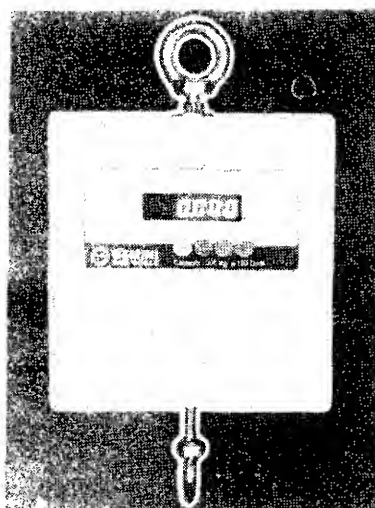
[फा. सं. डब्ल्यू एम-21(49)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th May 2006

S.O. 2484.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Hanging type) with digital indication of medium accuracy (Accuracy class-III), of series "SUS-HS" and with brand name "GEMINI" (herein referred to as the said model), manufactured by M/s. Sri Uma Scales Agencies, 2/19, Peta, Upstaris, Near 1 Town, Kurnool-518001 Andhra Pradesh and which is assigned the approval mark IND/09/06/269;



The said model is strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 300 Kg and minimum capacity of 2 Kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 percent subtractive tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volt and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (11) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance characteristics with maximum capacity above 50 kg and up to 1000 Kg. with verification scale interval (n) in the range 10^k to $10,000$ for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

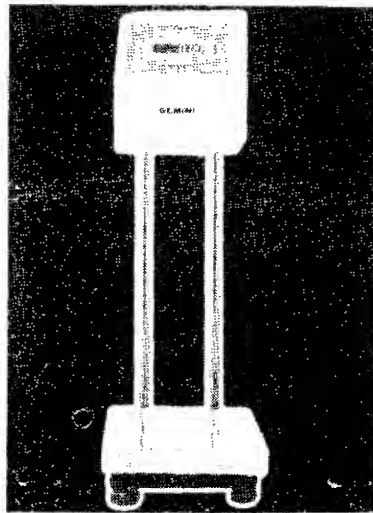
[F. No. WM-21(49)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2485.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री उमा. स्केल्स एजेंसीज, 2/19, पिटा, अपस्टेयर्स, 1 टाउन के पास, कर्नूल-518001, आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एस यू एस-पी डब्ल्यू" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (कायन से चलने वाली व्यक्ति तोल मशीन) के मॉडल का, जिसके ब्रांड का नाम "जेमनी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/268 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (कायन से चलने वाली व्यक्ति तोल मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्राम है। सत्यापन मापमान अंतराल (ई) 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा। और मॉडल को इसकी सामग्री, यथार्थता डिजाइन सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि. ग्राम से अधिक और 200 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-4} , 2×10^{-4} या 5×10^{-4} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

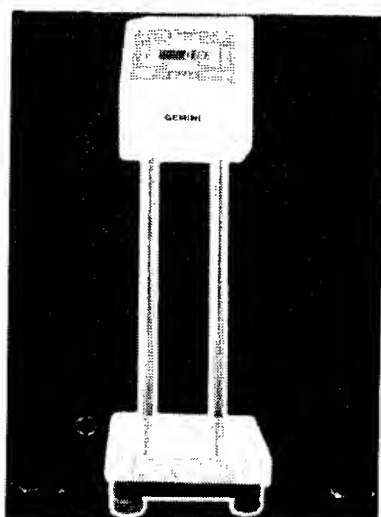
[फा. सं. डब्ल्यू एम-21(49)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th May, 2006

S.O. 2485.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Coin Operated Person Weighing Machine) with digital indication of medium accuracy (Accuracy class-III), of series "SUS-PW" and with brand name "GEMINI" (hereinafter referred to as the said model), manufactured by M/s. Sri Uma Scales Agencies, # 2 /19, Peta, Upstaris, Near 1 Town, Kurnool-518001 Andhra Pradesh and which is assigned the approval mark IND/09/06/268;



The said model is strain gauge type load cell based non-automatic weighing instrument (Coin Operated Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg. to 200 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

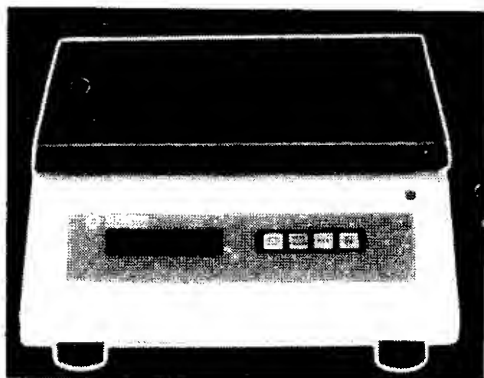
[F. No. WM-21(49)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2486.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री उमा स्केल्स एजेन्सीज, #2/19, पिटा अपस्टेयर्स, 1 टाउन के पास, कर्नूल-518001, आंध्र प्रदेश द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले “एस यू एस-जे पी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम “जेमिनी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2006/267 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा। और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्राम तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्राम या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

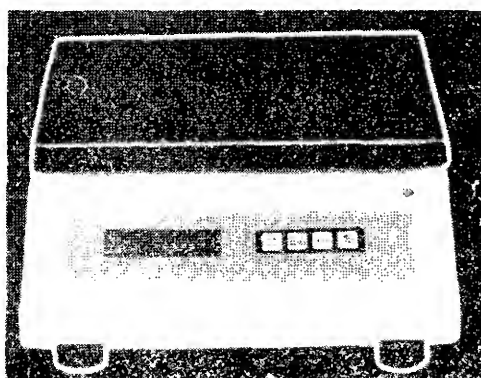
[फा. सं. डब्ल्यू एम-21(49)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th May, 2006

S.O. 2486.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II), series 'SUS-JP' and with brand name "GEMINI" (herein referred to as the said model), manufactured by M/s. Sri Unna Scales Agencies, #2/19, Peta, Upstairs, Near I Town, Kurnool-518 001, Andhra Pradesh and which is assigned the approval mark IND/09/06/267:



The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. or 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(49)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2487.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लार्सन एंड टुब्रो लि., डिपार्टमेंट ई बी जी-एस बी यू 3/पी डी डी, पोवई वर्क्स, साकी विहार रोड, मुंबई-400072 द्वारा विनिर्मित "जैड लाईन" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (डिस्पेंसिंग पम्प प्रकार) के मॉडल का जिसके ब्रांड का नाम "हाइड्रोलिक मॉडयूल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/1075 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

उक्त मॉडल इलेक्ट्रानिक, एडजस्टमेंटयुक्त, इलेक्ट्रानिक डिस्पेंसिंग पम्प है। इसमें हाइड्रोलिक, नॉल प्रीसेट, प्रीसेट, इलेक्ट्रानिक अंशांकन, इलेक्ट्रामैकेनिकल टोटलाइजर, वायरलेस पैरेलल हैंड हेल्ड डिस्प्ले, कार्ड रिकार्डर तथा होज मास्ट युक्त अथवा रहित प्रिंटर जिसकी प्रवाह दर पेट्रोल हेतु 4 लीटर प्रति मिनट से 45 लीटर प्रति मिनट तथा डीजल हेतु एकल मीटर इकाई के लिए 90 लीटर प्रति मिनट और दो मीटर इकाई के लिए 130 लीटर प्रति मिनट खूबियां मौजूद हैं। इसकी अधिकतम आयतन सूचन क्षमता 99999.9 लीटर और न्यूनतम विभाजन 10 मिली लीटर अथवा 1 मिली लीटर है। यह 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

[फा. सं. डब्ल्यू एम-21(187)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th May, 2006

S.O. 2487 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (*see* the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of Dispensing Pump of digital indication with brand name “HYDRAULIC MODULE” of “Z Line” series (hereinafter referred to as the said Model), manufactured by M/s. C. Larsen & Toubro Limited, Deptt. EBG-SBU3/PDD, Powai Works, Saki Vihar Road, Mumbai-400072, and which is assigned the approval mark IND/09/05/1075;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

The said Model is an Electronic Dispensing Pump with electronic adjustment. It has hydraulic features, non-preset, preset, electronic calibration, electromechanical totalizer, wireless parallel hand held display, card recorder and printer with or without Hose Mast having flow rate 4 l pm to 45 lpm for petrol and 90 lpm for single metering unit & 130 lpm for 2 metering units for measuring Diesel. Its maximum volume indicating capacity is 99999.9 litres and smallest division is 10ml or 1ml. It operates on 230 Volts and 50 Hertz alternative current power supply.

[F. No. WM-21(187)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2488.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लार्सन एंड टुब्रो लि., डिपार्टमेंट ई बी जी-एस बी यू 3/पी डी डी, पोवई वर्क्स, साकी विहार रोड, मुंबई-400072 द्वारा विनिर्मित "पेस मेकर IV" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (डिस्पेंसिंग पंप प्रकार) के मॉडल का जिसके ब्रांड का नाम "हाइड्रोलिक मॉड्यूल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/1076 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

उक्त मॉडल इलेक्ट्रॉनिक, एडजस्टमेंट युक्त इलेक्ट्रॉनिक डिस्पेंसिंग पंप है। इसमें हाइड्रोलिक, नॉल प्रीसेट, प्रीसेट, इलेक्ट्रॉनिक अंशांकन, इलेक्ट्रॉमैग्नेटिक टोटलाइजर, वायरलेस पैरेलल हैंड हेल्ड डिस्प्ले, कार्ड रिकार्डर तथा होज मास्ट युक्त अथवा रहित प्रिंटर जिसकी प्रवाह दर पेट्रोल हेतु 4 लीटर प्रति मिनट से 45 लीटर प्रति मिनट तथा डीजल हेतु एकल मीटर इकाई के लिए 90 लीटर प्रति मिनट और दो मीटर इकाई के लिए 130 लीटर प्रति मिनट खूबियां मौजूद हैं। इसकी अधिकतम आयतन सूचन क्षमता 99999.9 लीटर और न्यूनतम विभाजन 10 मिली लीटर अथवा 1 मिली लीटर है। यह 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती भारा विद्युत प्रदाय पर कार्य करता है।

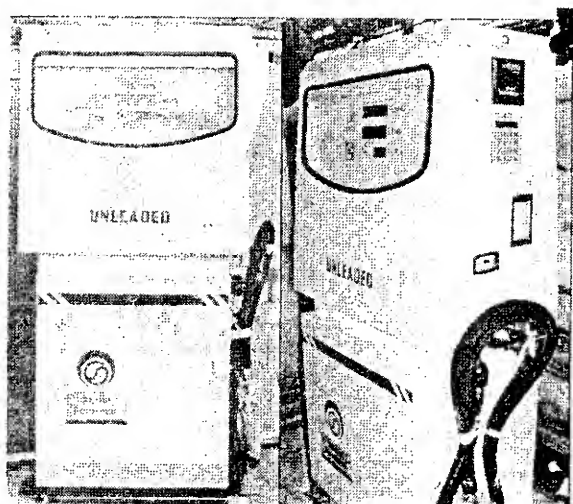
[फा. सं. डब्ल्यू एम-21(187)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th May, 2006

S.O. 2488.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (*see* the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Dispensing Pump of digital indication with brand name “HYDRAULIC MODULE” of “PACE MAKER IV” series (hereinafter referred to as the said Model), manufactured by M/s. Larsen & Touhro Limited, Deptt. EBG-SBU3/PDD, Powai Works, Saki Vihar Road, Mumbai-400072, and which is assigned the approval mark IND/09/05/1076;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

The said Model is an Electronic Dispensing Pump with electronic adjustment. It has hydraulic features, non-preset, preset, electronic calibration, electromechanical totalizer, wireless parallel hand held display, card recorder and printer with or without Hose Mast having flow rate 4 lpm to 45 lpm for petrol, 90 lpm for single metering unit & 130 lpm for 2 metering units for measuring Diesel. Its maximum volume indicating capacity is 99999.9 litres and smallest division is 10ml or 1ml. It operates on 230 Volts and 50 Hertz alternative current power supply.

[F. No. WM-21(187)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2489.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री लार्सन एंड टुब्रो लि., डिपार्टमेंट ई बी जी-एस बी यू 3/पी डी डी, पोवई वर्क्स, माकी विहार रोड, मुंबई-400072 द्वारा विनिर्मित "पेस मेकर" शृंखला के अंकक सूचन सहित अस्वचालित तौलन उपकरण (डिस्पेंसिंग पम्प प्रकार) के मॉडल का जिसके बॉड का नाम "हाइड्रोलिक मॉड्यूल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1077 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भा किया जाएगा।

उक्त मॉडल एक डिस्पेंसिंग पम्प है। जिनका प्रयोग पेट्रोल, डीजल आदि पेट्रोलियम उत्पादों को मापने में किया जाता है। इसमें हाइड्रोलिक के साथ-साथ मैकेनिकल रजिस्टर होता है जिसकी प्रवाह दर मानक ड्यूटी के लिए 4 लीटर प्रति मिनट से 45 लीटर प्रति मिनट और भारी ड्यूटी के लिए 90 लीटर प्रति मिनट तक है। इसका अधिकतम आयतन सूचन क्षमता 99.9 लीटर अथवा 999.9 लीटर है जबकि न्यूनतम विभाजन 100 मि.ली. है।

[फा. सं. डब्ल्यू एम-21(187)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th May, 2006

S.O. 2489.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of Dispensing Pump mechanical type with analogue indication, with brand name "HYDRAULIC MODULE" of "PACEMAKER II" series (hereinafter referred to as the said model), manufactured by M/s. Larsen & Toubro Limited, Deptt. EBG-SBU3/PDD, Powai Works, Saki Vihar Road, Mumbai-400072, and which is assigned the approval mark IND/09/05/1077;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

The said model is an Electronic Dispensing Pump used for the measurement of petroleum products like petrol, diesel etc. it has hydraulics and features of mechanical register having flow rate 4 lpm for standard duty and up to 90 lpm for heavy duty. Its maximum volume indicating capacity is 99.9 litre or 999.9 litre with 100 ml smallest division.

[F. No. WM-21(187)/2005]

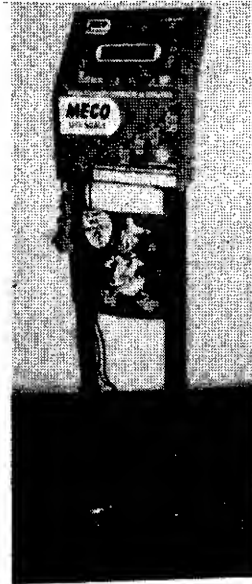
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 मई, 2006

का. आ. 2490.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेसिसन वेहन सिस्टम, 20 शक्तिकलश सोसायटी, अमृतबाग के सामने बावला, अहमदाबाद-382220, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग II) वाले अंकक सूचन सहित अस्वचालित तोलन उपकरण (पर्सन वेइंग स्केल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेको डिगी स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/984 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 100 कि.ग्रा. से अधिक और 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(203)/2004]

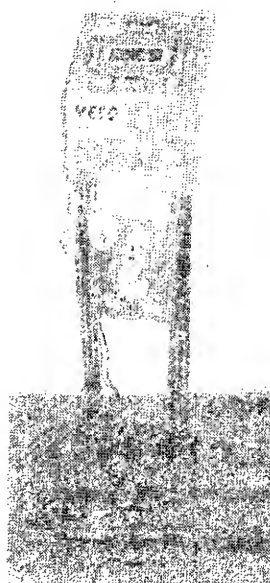
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th May, 2006

S.O. 2490—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of the approval of model of non-automatic weighing instrument with digital indication (Person weighing scale) of medium accuracy (Accuracy class-III) and with brand name 'MICO DIGIT LOA 31' (herein referred to as the said model), manufactured by M/s. Precision Weigh System, 20, Samparkalash Society, Opp. Punjabi Bagh, Bavia, Ahmedabad-382220, Gujarat and which is assigned the approval mark (S.O.) 905/984;

The said model (see the figure given below) is a platform type load cell based weighing instrument with a maximum capacity of 150kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 percent subtractive retained tare effect. The instrument operates on 230 Volts and 50Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg to 150kg and with number of verification scale interval (n_v) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 100g, 200g or 500g, n_v being a positive or negative whole number or equal to zero manufactured by the same manufacturer or producer with the same principle design and with the same materials with which, the approved said model has been manufactured.

[F. No. WM-21(203)/2004]

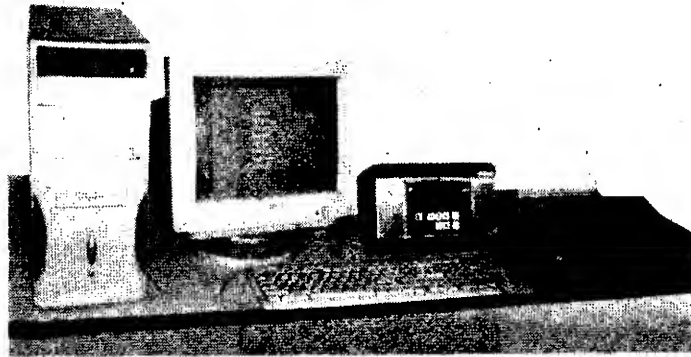
B. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 31 मई, 2006

का. आ. 2491.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एसाए डिजिट्रोनिक्स प्राइवेट लिमिटेड, ए-1, एसाए इण्डस्ट्रीयल एस्टेट, 62/3, बेगूर होवली रोड, बोममान हल्ली, बंगलूर-560068 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'टी एम-950' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (तोलनपुल) के मॉडल का, जिसके ब्रांड का नाम "एसाए" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/433 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (तोलनपुल प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 60000 कि.ग्रा. और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(108)/2005]

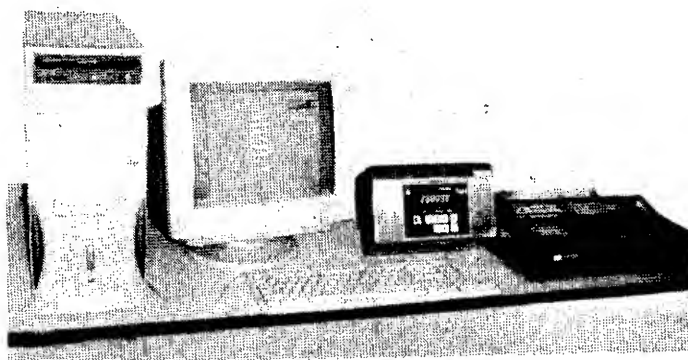
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st May, 2006

S.O. 2491.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (weighbridge type) with digital indication belonging to medium accuracy (Accuracy class III) of "TM-950" series with brand name "ESSAE" (herein referred to as the said model), manufactured by M/s. Essae Digitronics Private Limited, A-1, Essae Industrial Estate, 62/3, Begur Hobli Road, Bommanahalli, Bangalore-560 068 and which is assigned the approval mark IND/09/05/433;

The said model is a strain guage type load cell based non-automatic weighing instrument (weighbridge) with a maximum capacity of 60,000 kg and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode Display (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150 tonne with verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(108)/2005]

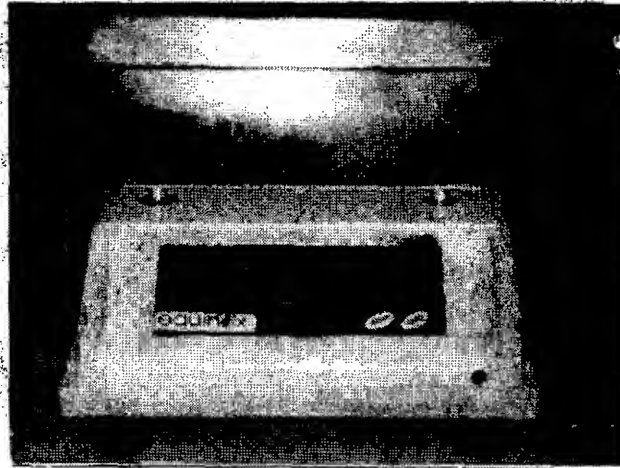
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जून, 2006

का. आ. 2492.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इक्विनोक्स ओवरसीज प्रा. लि., बी-92, मालवीय नगर नई दिल्ली-110 017, द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'ई टी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टैबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इक्विनोक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/280 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गैज प्रकार का भार सेल आधारित अस्वचालित (टैबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अन्तराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(35)/2006]

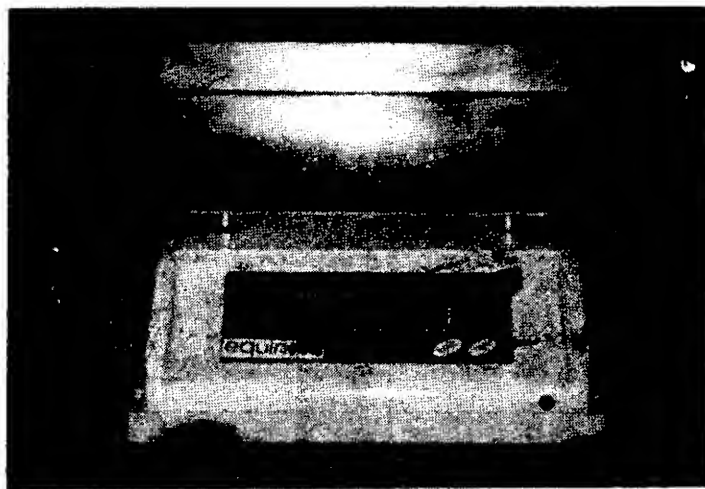
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th June, 2006

S.O. 2492.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "ET" and with brand name "EQUINOX" (hereinafter referred to as the said model), manufactured by M/s. Equinox Overseas Pvt. Ltd, B-92, Malviya Nagar, New Delhi-110 017 and which is assigned the approval mark IND/09/06/280;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

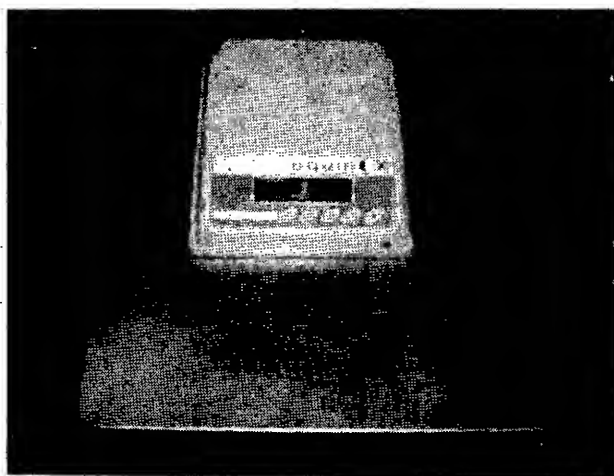
[F. No. WM-21(35)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जून, 2006

का. आ. 2493, -केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इक्विनोक्स ओवरसीज प्रा. लि., बी-92, मालवीय नगर, नई दिल्ली- 110 017, द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ई पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "इक्विनोक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/281 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सेंकित डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

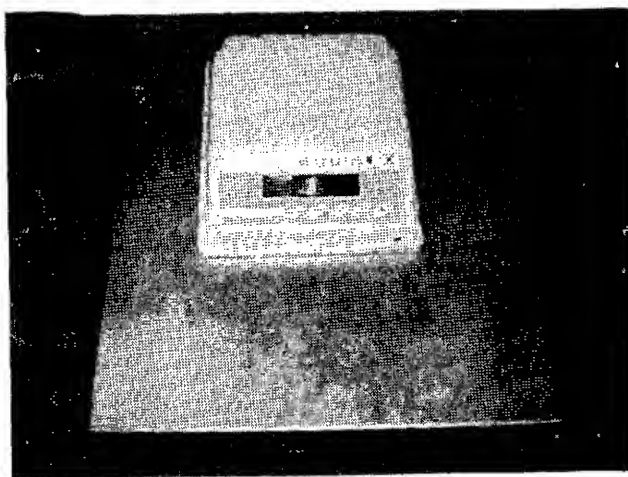
[फा. सं. डब्ल्यू एम-21(35)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th June, 2006

S.O. 2493.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "EP" and with brand name "EQUINOX" (hereinafter referred to as the said model); manufactured by M/s. Equinox Overseas Pvt. Ltd, B-92, Malviya Nagar, New Delhi 110 017, and which is assigned the approval mark IND/09/06/281;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

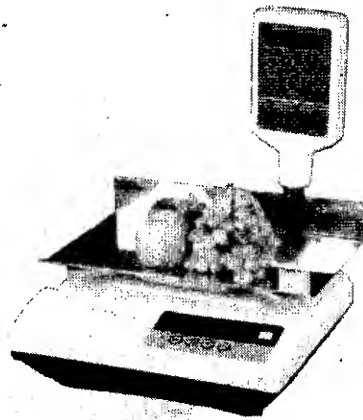
[F. No. WM-21(35)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जून, 2006

का. आ. 2494.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अमबिका स्केल वर्क्स, ब्लाक नं: 734, पंजाबी कालोनी, अपोजिट गीता किरण स्टोर, उल्लास नगर-421 003, थाणे, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस ए टी 11" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सत्यम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/311 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

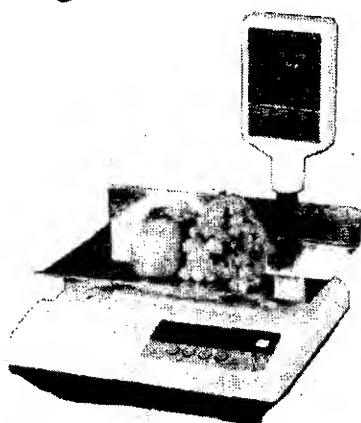
[फा. सं. डब्ल्यू एम-21(90)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th June, 2006

S.O. 2494 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "SAT-11" and with brand name "SATYAM" (hereinafter referred to as the said model), manufactured by M/s. Ambika Scale Works, Block No. 734, Punjabi Colony, Opp. Gita Kiran Store, Ulhasnagar-421 003, Thane, Maharashtra and which is assigned the approval mark IND/09/06/311;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(90)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जून, 2006

का. आ. 2495:—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अम्बिका स्केल वर्क्स, ब्लाक नं: 734, पंजाबी कालोनी, अपोजिट गीता किरण स्टोर, उल्लहास नगर-421 003, थाणे, महाराष्ट्र, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस ए पी-7" मृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सत्यम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/312 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनत्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी मृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्राम से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(90)/2006]

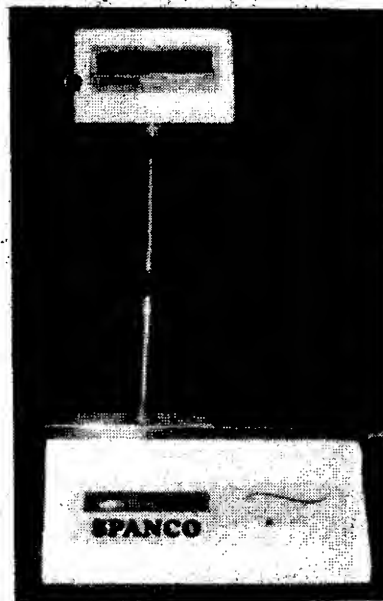
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जून, 2006

का. आ. 2496.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्पैनको सेमीकंडक्टर्स, 10-11, भगत इंडस्ट्रियल इस्टेट, ई एस आई, अस्पताल के निकट, अंकित प्लास्टिक के सामने, पोटलिया तालाब, सारसपुर अहमदाबाद, गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एस एन टी 15” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “स्पैनको” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1016 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

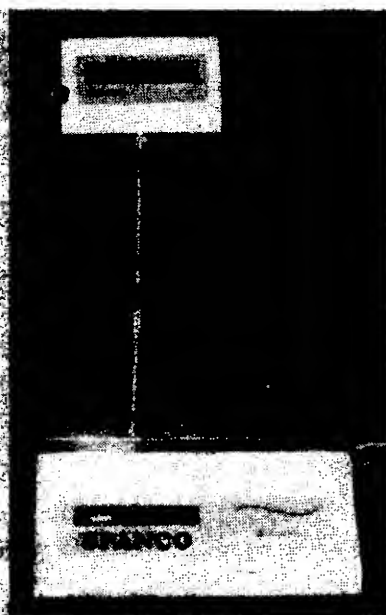
[फा. सं. डब्ल्यू एम-21(116)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th June, 2006

S.O. 2496.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SNT-15" series of high accuracy (Accuracy class-II) and with brand name "SPANCO" (hereinafter referred to as the said model), manufactured by M/s. Spanco Semiconductors, 10-11, Bhagat Industrial Estate, Near ESI Hospital, Opp. Ankit Plastic, Potlia Talav, Saraspur, Ahmedabad, Gujarat and which is assigned the approval, mark IND/09/05/1016;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1mg to 50mg or with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model, has been manufactured.

[F. No. WM-21(116)/2002]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जून, 2006

का. आ. 2497.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्पैनको सेमीकंडक्टर्स, 10-11, भगत इंडिस्ट्रियल इस्टेट, ई एस आई, अस्पताल के निकट, अंकित प्लास्टिक के सामने, पोटलिया तालाब, सारसपुर अहमदाबाद, गुजरात द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस एन पी-300" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्पैनको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/1017 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. है और न्यूनतम क्षमता 1 कि. ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि. ग्राम से अधिक और 1,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

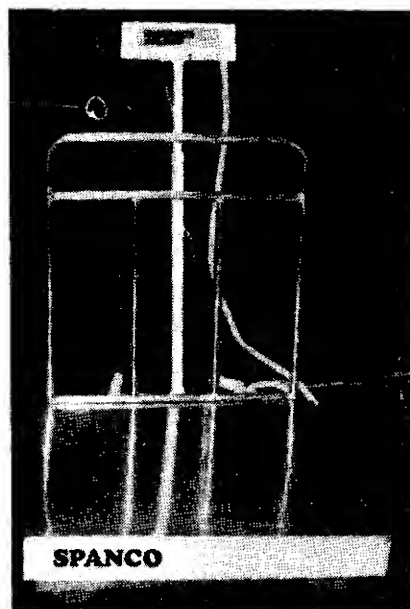
[फा. सं. डब्ल्यू एम-21(116)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th June, 2006

S.O. 2497.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SNP-300" series of medium accuracy (Accuracy class-III) and with brand name "SPANCO" (hereinafter referred to as the said Model), manufactured by M/s. Spanco Semiconductors, 10-11, Bhagat Industrial Estate, Near ESI Hospital, Opp. Ankit Plastic, Potlia Talav, Saraspur, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/05/1017;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 300kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 1000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

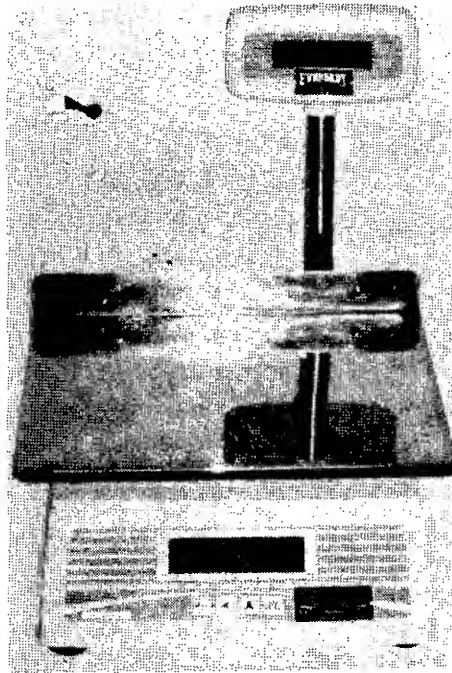
[F. No. WM-21(116)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जून, 2006

का. आ. 2498.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पापुलर स्केल्स कम्पनी, 210, जांजीकर स्ट्रीट, मुंबई-400003 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'ई टी एस' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एवरेडी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/883 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 50. ग्रा. है। सत्यापन मापमान अंतराल (ई). का मान 1 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(224)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th June, 2006

S.O. 2498.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of “ETS” series of high accuracy (Accuracy Class-II) and with brand name “EVEREADY” (hereinafter referred to as the said Model), manufactured by M/s. Popular Scale Co., 210, Janjekar Street, Mumbai-400003 and which is assigned the approval mark IND/09/05/883;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 50 g. The verification scale interval (e) is 1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crstal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5,000 for ‘e’ value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5,000 to 50,000 for ‘e’ value of 100 mg. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

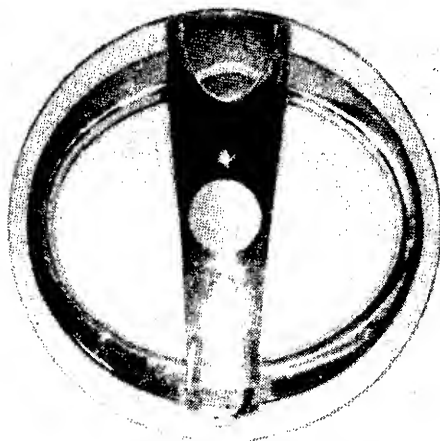
[F. No. WM-21(224)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जून, 2006

का. आ. 2499-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पापुलर स्केल्स कम्पनी, 210, जांजीकर स्ट्रीट, मुंबई-400003 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'ई बी एस' शृंखला के अंकक सूचन सहित व्यक्ति तोलन मशीन के मॉडल का, जिसके ब्रांड का नाम "एवरेडी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/885 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (व्यक्ति तोलन मशीन) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। द्रव क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है।

स्टारिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 100 कि.ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

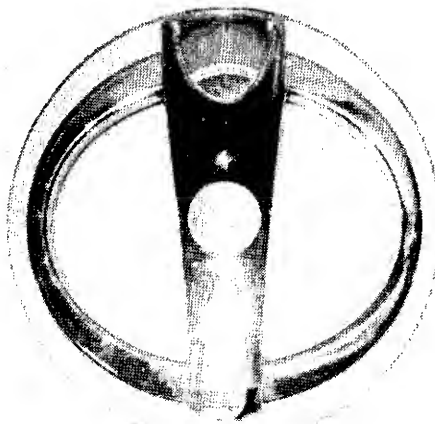
[फा. सं. डब्ल्यू एम-21(224)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th June, 2006

S.O. 2499.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with digital indication (Electronic Person Weighing Machine) of "EBS" series of medium accuracy (Accuracy Class-III) and with brand name "EVEREADY" (herein after referred to as the said model), manufactured by M/s. Popular Scale Co., 210, Janjekar Street, Mumbai-400003 and which is assigned the approval mark IND/09/05/885;



The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with the maximum capacity of 150 kg and minimum capacity is 2 kg. The verification scale interval (e) is 100 g. The display is of Liquid Crystal Display (LCD) type.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity in the range of 100 kg. to 200 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

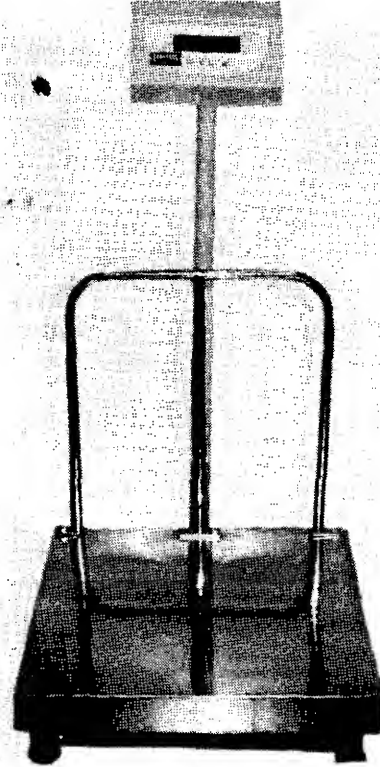
[F. No. WM-21(224)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जून, 2006

का. आ. 2500.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पापुलर स्केल कम्पनी, 210, जंजीकर स्ट्रीट, मुंबई-400003 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'ई पी एस' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एवरेडी" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/884 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्विंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

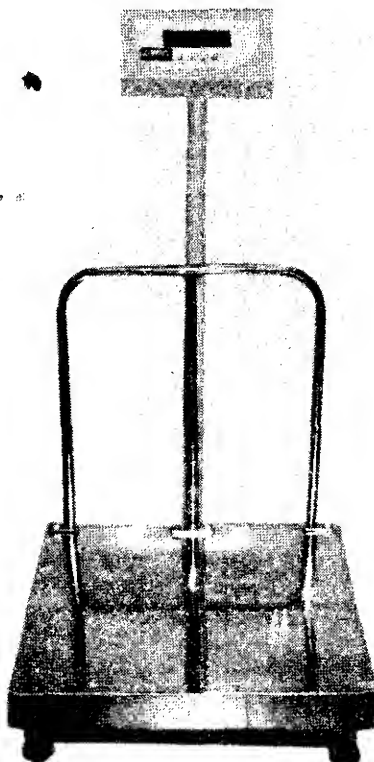
[फा. सं. डब्ल्यू एम-21(224)/2005]

पी. ए. कृष्णामूर्ति, निदेशक विधिक माप विज्ञान

New Delhi, the 6th June, 2006

S.O. 2500.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "EPS" series of high accuracy (Accuracy Class-II) and with brand name "EVEREADY" (herein after referred to as the said model), manufactured by M/s. Popular Scale Co., 210, Janjekar Street, Mumbai-400003 and which is assigned the approval mark IND/09/05/884;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 5 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to scaling stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity ranging above 50 kg. to 5,000 kg. and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

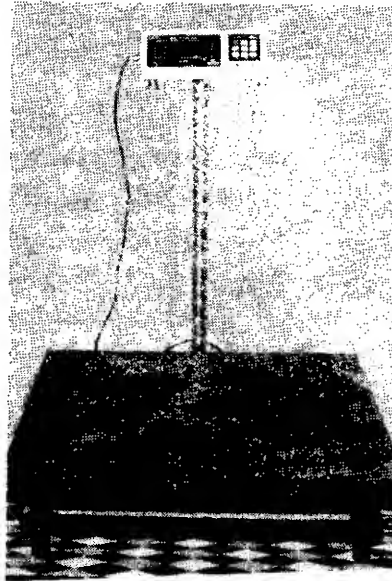
[F. No. WM-21(224)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जून, 2006

का. आ. 2501.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आदिट्सन टेक्नोलोजीकल प्रोडक्ट्स, नं. 102, साउथ एक्स प्लाजा-II, 209, मस्जिद मोठ, नई दिल्ली-110 029, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'ए एच' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एक्सल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/310 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है:



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

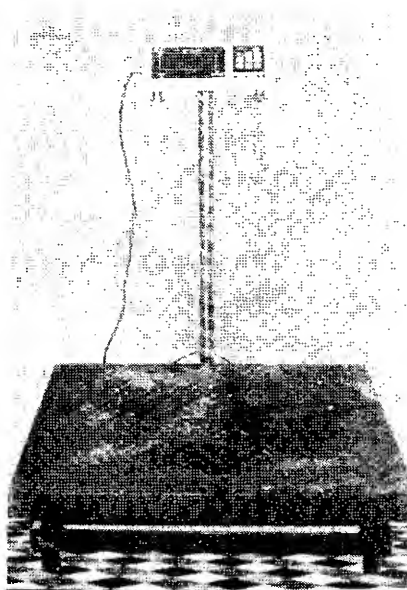
[फा. सं. डब्ल्यू एम-21(68)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th June, 2006

S.O. 2501.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy Class-III) of series "AH" and with brand name "EXCELL" (hereinafter referred to as the said Model), manufactured by M/s. Aditsan Technological Products, No. 102, Southex Plaza-II, 209 Masjid Moth, New Delhi-110 029 and which is assigned the approval mark IND/09/06/310;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5,000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(68)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 20 जून, 2006

का.आ. 2502.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में दहेज-हजीरा-उरान एवं स्पर (गेल-हजीरा से शेल-हजीरा) पाइपलाईन द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में, श्री एस. के.राठौड़, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, इच्छापुर-मगदल्ला रोड, पुरानी कॉलोनी, ओ.एन.जी.सी. सर्कल के पास, हजीरा, सुरत (गुजरात) को लिखित रूप में आक्षेप भेज सकेंगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षे. (हेक्टर में)
1	2	3	4	5
सुरत	चोर्यासी	मोरा	168 (पैकी)	0.3000
योग				0.3000

[फा. सं. एल-14014/20/04-जी.पी. (भाग-I)]

एस. बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 20th June, 2006

S.O. 2502.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Uran and its spur (GAIL-Hazira to Shell-Hazira) pipeline in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.K. Rathod, Competent Authority, GAIL (India) Limited, Ichhapore-Magdalla Road, Old Colony, Near ONGC Circle, Hazira, Surat (Gujarat).

SCHEDULE

District	Tahsil	Village	Survey No.	Area to be acquired for R.O.U. (in Hect.)
1	2	3	4	5
Surat	Choryasi	Mora	168 (Paiki)	0.3000
Total				0.3000

[F.NO. L-14014/20/04-GP(PART I)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 20 जून, 2006

का. आ. 2503.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 99(अ) तारीख 27-01-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहीवली-पूणे-स्पर पाइपलाईन परियोजना के माध्यम से प्राकृतिक गैस परिवहन के लिए पाइपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 8-10-2005 से 7-12-2005 तक उपलब्ध करा दी गई थीं;

और पाइपलाईन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और सक्षम प्राधिकारी ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाईन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाईन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाईन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला तहसील गाँव सर्वे नं. आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)

1	2	3	4	5
पुणे	मावल	कुसगांव	381	00-14-00
			389/C	00-38-00
			378	00-02-00
			374	00-29-00
			413	00-01-00
			416	00-25-00
			415/C	00-11-00
			414	00-21-00
			411	00-18-00
			410	00-24-00
			408	00-01-00
पुणे	मावल	भुसी	25	00-16-00
पुणे	मावल	बोर्जे	98	00-29-00
			112	00-16-00
			111	00-11-00
			110	00-12-00
			109	00-01-00
			115	00-10-00
			108	00-08-00
			133	00-19-00
			132	00-14-00

1	2	3	4	5
पुणे	मावल	बोर्जे	131	00-01-00
			123	00-46-00
			124	00-04-00
			146	00-07-00
			147	00-06-00
			148	00-08-00
			149	00-05-00
			150	00-03-00
			164	00-01-00
			163	00-01-00
			162	00-01-00
			159	00-01-00
			158	00-07-00
			199	00-28-00
			198	00-01-00
			197	00-01-00
			195	00-23-00
			193	00-18-00
			192	00-08-00
			191	00-20-00
			189	00-09-00
			190	00-15-00
			151	00-09-00
			161	00-01-00
			196	00-01-00
पुणे	मावल	मुंढावरे	28	00-13-00
			27	00-21-00
			24	00-36-00
			23	00-07-00
			22	00-07-00
			20	00-27-00
			19	00-19-00
			18	00-08-00
			17	00-01-00
			15	00-19-00
			16	00-90-00
			120	00-75-00
			121	00-02-00
			119	00-51-00
			116	00-36-00
पुणे	मावल	वडिवले	24/1 A P	00-91-00
			24/1 B P	
			24/2 P	
			24/3 P	
			24/4 P	
			25/1 +2+3+4+5	00-14-00
			15/1 +2+3	00-36-00
			16/1 To 3	00-29-00
			14/1 P	00-02-00

1	2	3	4	5	1	2	3	4	5
पुणे	मावल	वडिवले	14/2 P		पुणे	मावल	पाटन	301	00-05-00
		(जारी)	12/1,2,3,4,5,6	00-06-00			(जारी)	302	00-15-00
			17	00-05-00				304	00-21-00
			11/1 & 2	00-27-00				306	00-10-00
			10/1 to 8	00-48-00				307	00-17-00
पुणे	मावल	खडकले	59/2A P					309	00-13-00
			59/2B P	00-65-00				310	00-47-00
			59/2C P					311	00-08-00
			59/1 P					329	00-29-00
			60/1A P		पुणे	मावल	देवले	216/C	00-71-00
			60/1 B P					216/D	00-04-00
			60/2A P	00-36-00				243	00-01-00
			60/2B P					244	00-21-00
			60/3A P					258	00-45-00
			60/3B P					259	00-43-00
			63/1A P					306	00-31-00
			63/1 B P					376	00-27-00
			63/1C P	00-43-00				379	00-20-00
			63/2A P					380	00-09-00
			63/2B P					354	00-42-00
			64/1 & 2	00-36-00				352	00-17-00
			65/1 +2A					353	00-36-00
			65/1 B+2B1	00-92-00				346	00-08-00
			65/1 B+2B2					347	00-50-00
पुणे	मावल	नायगांव	275	00-11-00				323	00-01-00
			276	00-17-00				378	00-12-00
			277	00-19-00	पुणे	मावल	भाजे	63	00-22-00
			280	00-10-00				64	00-07-00
			335	00-17-00				62	00-20-00
			339	00-70-00				49	00-22-00
			336	00-03-00				48	00-47-00
			338	00-40-00				40	00-34-00
			414	00-20-00				43	00-02-00
			413	00-06-00				41	00-09-00
			412	00-29-00				42	00-38-00
पुणे	मावल	तजे	470	00-24-00	पुणे	मावल	सदापुर	30	00-20-00
			469	00-18-00				29	00-30-00
			468	00-06-00				25	00-03-00
			467	00-01-00				22	00-10-00
			466	00-39-00				21	00-04-00
			464	00-13-00	पुणे	मावल	नानोली	1	00-66-00
			463	00-01-00				280	00-30-00
			465	00-04-00				361	00-02-00
पुणे	मावल	पाटन	295	00-06-00				281	00-08-00
			296	00-04-00				282	00-22-00
			298	00-05-00				289	00-52-00
			299	00-03-00				238	00-10-00
			300	00-05-00				293	00-08-00
			291	00-07-00				237	00-10-00
								236	00-05-00

1	2	3	4	5
पुणे	मावल	जांझूल (जारी)	305	00-01-00
			261	00-11-00
			265	00-14-00
			267	00-11-00
			268	00-65-00
			166	00-02-00
			168	00-05-00
			167	00-20-00
			189	00-18-00
			157	00-35-00
			155	00-15-00
			133	00-35-00
			132	00-12-00
			131	00-27-00
			129	00-56-00
			126	00-32-00
			125	00-45-00
			124/A	00-35-00
			123	01-36-00
पुणे	मावल	अम्बी	328	00-39-00
			325	00-20-00
			322	00-84-00
			321	00-08-00
			324	00-01-00
			323	00-02-00
			320	00-05-00
			319	00-16-00
			318	00-14-00
			315	00-13-00
			314	00-11-00
			213	00-17-00
			191	00-33-00
			189	00-73-00
			190	00-02-00
			184	00-12-00
			183	00-27-00
			160	00-08-00
			161	00-18-00
			162	00-15-00
			163	00-18-00
			164	00-15-00
			158	00-51-00
			134	00-36-00
			135	00-48-00
			136	00-54-00
			511	00-39-00
			512	00-63-00
पुणे	हेवली	मालीनगर	99	00-13-00
			98	00-02-00
			101	00-03-00

1	2	3	4	5
पुणे	हेवली	मालीनगर (जारी)	97	00-69-00
			96	00-40-00
			95	00-18-00
			13	00-12-00
			14	00-67-00
			15	00-73-00
			23	00-12-00
			27	00-40-00
			28	00-37-00
		देहु	77	00-60-00
			62	00-02-00
		बिस्मलनगर	59	00-23-00
			282	00-18-00
		तलावडे	287	00-37-00
			285	00-20-00
			284	00-34-00
			283	00-14-00
			286	00-66-00
			408	00-36-00
			407	00-07-00
			414	00-10-00
			417	00-08-00
			418	00-06-00
			420	00-09-00
			431	00-33-00
			443	00-12-00
			444	00-12-00
			452	00-05-00
			453	00-04-00
			457	00-20-00
			459	00-17-00
			463	00-03-00
			464	00-04-00
			466	00-16-00
			257	00-38-00
			82	00-20-00
			79	00-28-00
			78	00-28-00
			77	00-10-00
			76	00-04-00
			75	00-04-00
			74	00-05-00
			73	00-31-00
			72	00-15-00
			71	00-17-00
			68	00-13-00

[फा. सं. एल-14014/12/06-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 20th June, 2006

S.O. 2503.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 99 (E) dated 27-01-2005 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas through Dahivali- Pune spur pipeline project in the State of Maharashtra by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on 08-10-2005 to 07-12-2005; C. P. 489

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Pune	Mawal	Kusgaon	381	00-14-00
			389/C	00-38-00
			378	00-02-00
			374	00-29-00
			413	00-01-00
			416	00-25-00
			415C	00-11-00
			414	00-21-00
			411	00-18-00
			410	00-24-00
			408	00-01-00

1	2	3	4	5
Pune	Mawal	Bhusi	25	00-16-00
		Bharje	98	00-29-00
			112	00-16-00
			111	00-11-00
			110	00-12-00
			109	00-01-00
			115	00-10-00
			108	00-08-00
			133	00-19-00
			132	00-14-00
			131	00-01-00
			123	00-46-00
			124	00-04-00
			146	00-07-00
			147	00-06-00
			148	00-08-00
			149	00-05-00
			150	00-03-00
			164	00-01-00
			163	00-01-00
			162	00-01-00
			159	00-01-00
			158	00-07-00
			199	00-28-00
			198	00-01-00
			197	00-01-00
			195	00-23-00
			193	00-18-00
			192	00-08-00
			191	00-20-00
			189	00-09-00
			190	00-15-00
			151	00-09-00
			161	00-01-00
			196	00-01-00
		Mundha-	28	00-13-00
		vare	27	00-21-00
			24	00-36-00
			23	00-07-00
			22	00-07-00
			20	00-27-00
			19	00-19-00
			18	00-08-00
			17	00-01-00
			15	00-19-00
			16	00-90-00
			120	00-75-00
			121	00-02-00
			119	00-51-00

1	2	3	4	5	1	2	3	4	5
Pune	Mawal	Mundhav	116	00-36-00	Pune	Mawal	Taja	464	00-13-00
		Wadi-	24/1 A P					463	00-01-00
		wale	24/1 B P					465	00-04-00
			24/2 P	00-91-00			Patan	295	00-06-00
			24/3 P					296	00-04-00
			24/4 P					298	00-05-00
			25/1+2+3+4+5	00-14-00				299	00-03-00
			15/1+2+3	00-36-00				300	00-05-00
			16/1 To 3	00-29-00				291	00-07-00
			14/1 P					301	00-05-00
			14/2 P	00-02-00				302	00-15-00
			12/1,2,3,4,5,6	00-06-00				304	00-21-00
			17	00-05-00				306	00-10-00
			11/1 & 2	00-27-00				307	00-17-00
			10/1 to 8	00-48-00				309	00-13-00
Pune	Mawal	Khadkale	59/2A P					310	00-47-00
			59/2B P	00-65-00				311	00-08-00
			59/2C P					329	00-29-00
			59/1 P		Pune	Mawal	Devale	216/C	00-71-00
			60/1A P					216/D	00-04-00
			60/1 B P					243	00-01-00
			60/2A P	00-36-00				244	00-21-00
			60/2B P					258	00-45-00
			60/3A P					259	00-43-00
			60/3B P					306	00-31-00
			63/1A P					376	00-27-00
			63/1 B P					379	00-20-00
			63/1C P	00-43-00				380	00-09-00
			63/2A P					354	00-42-00
			63/2B P					352	00-17-00
			64/1 & 2	00-36-00				353	00-36-00
			65/1 +2A					346	00-08-00
			65/1 B+2B1	00-92-00				347	00-50-00
			65/1 B+2B2					323	00-01-00
Pune	Mawal	Naygaon	275	00-11-00				378	00-12-00
			276	00-17-00	Pune	Mawal	Bhaje	63	00-22-00
			277	00-19-00				64	00-07-00
			280	00-10-00				62	00-20-00
			335	00-17-00				49	00-22-00
			339	00-70-00				48	00-47-00
			336	00-03-00				40	00-34-00
			338	00-40-00				43	00-02-00
			414	00-20-00				41	00-09-00
			413	00-06-00				42	00-38-00
			412	00-29-00	Pune	Mawal	Sadapur	30	00-20-00
Pune	Mawal	Taje	470	00-24-00				29	00-30-00
			469	00-18-00				25	00-03-00
			468	00-06-00				22	00-10-00
			467	00-01-00				21	00-04-00
			466	00-39-00					

[illegible]

1	2	3	4	5	1	2	3	4	5
Pune	Mawal	Aakurdi	61	00-11-00				511	00-39-00
Pune	Mawal	Jabhul	360	00-20-00				512	00-63-00
			359	00-47-00		Haveli	Mali-	99	00-13-00
			355	00-01-00			nagar	98	00-02-00
			351	00-06-00				101	00-03-00
			352	00-47-00				97	00-69-00
			298	00-21-00				96	00-40-00
			299	00-39-00				95	00-18-00
			305	00-01-00				13	00-12-00
			261	00-11-00				14	00-67-00
			265	00-14-00	Pune	Haveli	Mali-	15	00-73-00
			267	00-11-00			nagar	23	00-12-00
			268	00-65-00				27	00-40-00
			166	00-02-00				28	00-37-00
			168	00-05-00			Dehu	77	00-60-00
			167	00-20-00			Vithal-	62	00-02-00
			189	00-18-00			nagar	59	00-23-00
			157	00-35-00			Talwade	282	00-18-00
			155	00-15-00				287	00-37-00
			133	00-35-00				285	00-20-00
			132	00-12-00				284	00-34-00
			131	00-27-00				283	00-14-00
			129	00-56-00				286	00-66-00
			126	00-32-00				408	00-36-00
			125	00-45-00				407	00-07-00
			124/A	00-35-00				414	00-10-00
			123	01-36-00				417	00-08-00
Pune	Mawal	Aambi	328	00-39-00				418	00-06-00
			325	00-20-00				420	00-09-00
			322	00-84-00				431	00-33-00
			321	00-08-00				443	00-12-00
			324	00-01-00				444	00-12-00
			323	00-02-00				452	00-05-00
			320	00-05-00				453	00-04-00
			319	00-16-00				457	00-20-00
			318	00-14-00				459	00-17-00
			315	00-13-00				463	00-03-00
			314	00-11-00				464	00-04-00
			213	00-17-00				466	00-16-00
			191	00-33-00				257	00-38-00
			189	00-73-00				82	00-20-00
			190	00-02-00				79	00-28-00
			184	00-12-00				78	00-28-00
			183	00-27-00				77	00-10-00
			160	00-08-00				76	00-04-00
			161	00-18-00				75	00-04-00
			162	00-15-00				74	00-05-00
			163	00-18-00				73	00-31-00
			164	00-15-00				72	00-15-00
			158	00-51-00				71	00-17-00
			134	00-36-00				68	00-13-00
			135	00-48-00					
			136	00-54-00					

[F.No. L-14014/12/06-G.P.]

S.B. MANDAL, Under Secy.

नई दिल्ली, 21 जून, 2006

का. आ. 2504.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 962 तारीख 08 मार्च, 2006, जो भारत के राजपत्र तारीख 11 मार्च, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 08 मई , 2006 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : काकरज		जिला : बनासकांठ		राज्य : गुजरात		
क्रम सं.	गाँव का नाम	खसरा सं.	उप खण्ड सं.	क्षेत्रफल		
				हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6	7
1.	कम्बाड़	1767	पी1	0	22	81

[फा. सं. आर-31015/38/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 21st June, 2006

S. O. 2504.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 962 dated the 08th March, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 11th March, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 08th May, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Taluk : KANKREJ		District : BANASKANTHA		State : GUJARAT		
Sr. No.	Name of Village	Survey no.	Sub-Division No.	Area		
				Hectare	Are	Sq. mtr.
1	2	3	4	5	6	7
1.	KAMBOI	1767	P1	0	22	81

[F. No. R-31015/38/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 21 जून, 2006

का. आ. 2505.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 865 तारीख 03 मार्च, 2006, जो भारत के राजपत्र तारीख 04 मार्च, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्दा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 02 मई, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्याधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : मौजमाबाद		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
1	2	3	हेक्टेयर	एयर	वर्ग मीटर
1.	रहलाना	387/4	0	07	54
2.	मेगा	138/4	0	13	18
3.	हरसोली	1515/2472	0	07	48
4.	भोजपुर	484	0	42	41
5.	दूद	4664/3	0	26	73
		4931/1/1	0	09	97
		4931/1/2	0	07	49
6.	बागेत	292/1/4	0	05	34
7.	गुदासायपुरा	51/2	0	00	20

[फा. सं. आर-31015/72/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 21st June, 2006

S. O. 2505.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 865 dated the 03rd March, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 04th March, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 02nd May, 2006;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : MOUZAMABAD		District : JAIPUR	State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1.	RAHALANA	387/4	0	07	54
2.	GEGA	138/4	0	13	18
3.	HARSOLI	1515/2472	0	07	48
4.	BHOJPUR	484	0	42	41
5.	DUDU	4664/3	0	26	73
		4931/1/1	0	09	97
		4931/1/2	0	07	49
6.	BAGET	292/1/4	0	05	34
7.	GUDHASAYPURA	51/2	0	00	20

[F. No. R-31015/72/2004-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 27 जून, 2006

का. आ. 2506.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ 1 में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ 2 में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात :-
अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री बिरेंद्र कुमार गुप्ता, पी.सी.एस. वरिष्ठ भूमि अर्जन अधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में प्रतिनियुक्ति पर सक्षम प्राधिकारी, आर-2/18, राज नगर, गाजियाबाद। (उत्तर प्रदेश)	उत्तर प्रदेश राज्य

[फा. सं. एल-14014/19/2006-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 27th June, 2006

S. O. 2506.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the said Schedule :-

Schedule

Name and address of the Authority	Area of jurisdiction
(1)	(2)
Shri Birendra Kumar Gupta, PCS Sr. Land Acquisition Officer Competent Authority on deputation with Indian Oil Corporation Limited, R-2/18 Raj Nagar, Ghaziabad. (Uttar Pradesh)	State of Uttar Pradesh

[F. No. L-14014/19/2006-G.P.]
S. B. MANDAL Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 5 जून, 2006

का. आ. 2507—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 180/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-06-2006 को प्राप्त हुआ था।

[सं. एल-12012/393/97-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th June, 2006

S.O. 2507—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.180/98 of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India and their workmen, received by the Central Government on 02-06-2006

[No. L-12012/393/1997-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR, U.P.

INDUSTRIAL DISPUTE No.180 of 1998

In the matter of dispute between:

Union Bank Staff Association

Secretary, UB Staff Association C/o Union Bank of India
24/53 Birhana Road, Kanpur**AND**

Union Bank of India

Assistant General Manager

Union Bank of India Pandu Nagar

Kanpur

AWARD

The Central Government, Ministry of Labour, New Delhi, vide Notification No.L-12012/393/97/IR(B-II) dated 20-10-98 has referred the following dispute for adjudication to this tribunal:—

Whether the action of the management of Union Bank of India in appointing Sh. V.K. Tandon, clerk as adhoc computer operator and denying the special allowance/ conveyance allowance is proper and justified? If not to what relief the said workman is entitled?

2. While preparing the file for dictating the award, it transpired from the schedule of reference order as well as from the pleadings of the parties that the date of denial of computer allowance and conveyance allowance has neither been mentioned in the schedule of reference order nor in the pleadings of the parties. Under these circumstances even if it is assumed that prima facie the union raising the present industrial dispute has been able to make out a case in his favour even then the relief sought by them cannot be granted by the tribunal for want of specific date of appointment of the workman at the post of computer operator and date of denial of conveyance allowance by the management of Union Bank of India. For all practical intent and purposes the schedule of reference order can be termed to be vague and the same cannot be answered for the infirmities as disclosed herein above.

3. Under the facts and circumstances of the case as detailed hereinabove schedule of reference order is held to be vague and the same cannot be answered for want of specific date of appointment at the post of computer operator of the workman and also for want of date of denial of conveyance allowance to the workman by management of Union Bank of India. The resultant effect is that the workman cannot be held entitled for any relief as claimed by him and the reference is bound to be left unanswered for want of material defence in the schedule of reference order as detailed herein above.

4. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 5 जून, 2006

का. आ. 2508—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं०-1, मुंबई के पंचाट (संदर्भ संख्या 5/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-06-2006 को प्राप्त हुआ था।

[सं. एल-12011/169/2005-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2508—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award No. Ref.5/2006 of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No.1 as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India and their workmen, received by the Central Government on 02-06-2006

[No. L-12011/169/2005-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1,****CAMP: GOA****Present****JUSTICE GHANSHYAM DASS, Presiding Officer****REFERENCE NO. CGIT -05OF 2006****Parties:** Employers in relation to the management of
Bank of India

and

Their Workmen

Appearances:For the Management : Mr. R.
Balasubramanian, Adv.

For the Union : Absent.

State : Goa

Goa, dated the 17th day of May' 2006.

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section 1 and sub section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short.). Vide Government of India, Ministry of Labour, New Delhi., order No.L-12011/169/2005 IR (B-II) dated 20-02-2006. The terms of reference given in the schedule are as follows:

“Whether the action of the management of Bank of India in imposing the punishment of bringing down to lower stage in the time scale of pay by two stages on Mrs. Manisha P. Naik is legal and justified? If not, to what relief the workman is entitled for ?

2. The matter came up for hearing today at Goa Camp. the notice was issued to the parties by the office of the Tribunal. Service has been effected by the Registered post upon the General Secretary of the Union. He is absent. No request is received for adjournment. Shri R. Balasubramanian, Sr. Manager is present for the Management. The record goes to show that the Union is not taking any interest for pursuing the instant reference. The Management has requested today for disposal of the reference.

Since the Union has not turned up despite service to contest the reference the same is hereby dismissed.

4. The award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 5 जून, 2006

का. आ. 2509—श्रम औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मॉर्मगॉव पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं०-1, मुम्बई के पंचाट (संदर्भ संख्या 73/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-06-2006 को प्राप्त हुआ था।

[सं. एल-36011/4/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2509.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.73/2004 of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the management of Mormugao Port Trust and their workmen, received by the Central Government on 02-06-2006

[No.L-36011/4/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1,****CAMP: GOA****Present****JUSTICE GHANSHYAM DASS, Presiding Officer****REFERENCE NO. CGIT -73OF 2004****Parties:** Employers in relation to the management of
Mormugao Port Trust

and

Their Workmen

Appearances:For the Management : Mr. M.
B. Anchan, Adv.

For the Union : Absent.

State : Goa

Goa, dated the 17th day of May' 2006.

AWARD

This is a reference made by the Central government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi., order No.L- 36011/4/2004 IR(B-II) dated 18-08-2004. The terms of reference given in the schedule are as follows:

“Whether the action of the management of Mormugao Port Trust, Goa in denying promotion to eligible Crane Drivers as per the Recruitment Rules/ Promotion Policy is legal and justified? If not, what relief the Crane Drivers are entitled for?

2. The matter came up for hearing today at Goa Camp. The notice was issued to the parties by the office of the Tribunal. Service has been effected by the Registered post upon the General Secretary of the Union. He is absent. No request is received for adjournment. Shri.M.B. Anchan, Adv. is present for the Management. The record goes to show that the Union is not taking any interest for pursuing the instant reference. The Management has requested today for disposal of the reference.

3. Since the Union has not turned up despite service to contest the reference, the same is hereby dismissed.

4. The award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 5 जून, 2006

का. आ. 2510—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 51/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-06-2006 को प्राप्त हुआ था।

[सं. एल-12012/129/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2510.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.51/2004 of the Central Government Industrial Tribunal-cum-Labour Court, KANPUR (U.P.) as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 02-06-2006.

[No. L-12012/129/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR, U.P.

INDUSTRIAL DISPUTE No.51 OF 2004

In the matter of dispute between :

Yogesh Kumar Sharma
S/o Ramesh P. Sharma
R/o 43-478/7 Radha Nagar,
Sikandra Agra.

And

The Zonal Manager
Punjab National Bank
LIC Bhawan Sanjay Place
Agra.

AWARD

1. The Central Government, Ministry of Labour, New Delhi, vide notification No.L-12012/129/2004-IR (B-II) dated 29-9-04 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Punjab National Bank to terminate Sri Yogesh Kumar Sharma from service w.e.f. 8-9-2000 without complying provisions of section 25-F is legal and justified ? If not, what relief the workman concerned is entitled to ?”

2. It is unnecessary to give full facts of the case as after exchange of pleadings between the parties the workman stopped making appearance in the case despite opportunities afforded to him by the Tribunal. Under these circumstances, it is quite obvious that the concerned workman is not interested in prosecuting his case any more. The Tribunal under the facts and circumstances of the case has left with no other option but to answer the reference in negative against the workman holding that the workman is not entitled for any relief as claimed by him for want of proof.

3. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 5 जून, 2006

का. आ. 2511.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 153/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-06-2006 को प्राप्त हुआ था।

[सं. एल-12011/195/1999-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2511.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 153/2000 of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 02-06-2006.

[No. L-12011/195/1999-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference under Section 10(1)(d)&(2A) of Industrial Disputes Act, 1947.

REFERENCE NO. 153 OF 2000

Parties : Employers in relation to the management of Bank of India.

AND

Their Workmen.

Present :Sri S. Prasad,
Presiding Officer.**Appearances :**

For the Employers : Sri B. Joshi, Adv.

For the Workman : Sri Ramgopal Chattopadhyaya,

State : Jharkhand. Industry : Coal

Dated, the 25th May, 2006

AWARD

By Order No. L-12011/195/99-IR(B.II) Dated, 29-2-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bank of India in imposing the penalty of reduction of basic pay of both Shri Abhijit Mallick and Smt. Shanta Mallick by two stages for one year is proper, Justified and legal ? If not, to what relief the workman are entitled ?”

2. Today, was the date fixed for evidence but neither party is present. From the order sheet it appears that by order dated, 2-6-2003, the concerned workman was directed to produce witnesses for cross-examination by the management. Both parties are absent since, 22-9-2003.

Therefore, it appears that neither party is interested in prosecuting the dispute. Hence, I render a No Dispute Award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 5 जून, 2006

क्र. आ. 2512.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद I के पंचाट (संदर्भ संख्या 8/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-06-2006 को प्राप्त हुआ था।

[सं. एल-20012/175/2002-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2512.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 8/2003 of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad. I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 02-06-2006.

[No. L-20012/175/2002-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
(NO. 1), DHANBAD**

In the matter of a reference under Section 10(1)(d)&(2A)
of the Industrial Disputes Act, 1947

REFERENCE NO. 8 OF 2003**Parties :**Employers in relation to the
management of Kusunda Area of
M/s. B.C.C.L.**And**

Their Workmen.

Present :Sri S. Prasad,
Presiding Officer**Appearances :**

For the Employers : Sri U.N. Lal, Adv.

For the Workman : Sri S. Sharma, Joint General
Secretary**State : Jharkhand. Industry : Coal**

Dated, the 25th May, 2006

AWARD

By Order No. L-20012/175/2002-IR (C-I) Dated, 10-12-02 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Kusunda Area of M/s. BCCL in not regularising Sri Ram Gopal Yadav as Attendance Clerk is fair and justified ? If not, to what relief is the concerned workman entitled and from what date ?”

2. The reference was pending for evidence of the workman Sri S. Sharma, General Secretary of the sponsoring union submitted that the concerned workman had died and as such the reference may be treated as withdrawn.

Perused the record this dispute was for regularising of the concerned workman Ram Gopal Yadav as Attendance Clerk. Since the workman had died and the present dispute was for regularisation of the concerned workman, the right of sue does not survive.

In the result, I render a No Dispute Award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 5 जून, 2006

का.आ. 2513—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. एम. पी. डी. आई. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 5/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/61/1990-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2513.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/1991) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CMPDIL and their workman, which was received by the Central Government on 2-6-2006.

[No. L-20012/61/1990-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference U/s. 10 (1) (d) (2A) of I.D. Act.

REFERENCE NO. 5 OF 1991

PARTIES: Employers in relation to the management of Central Mine Planning & Design Institute Ltd.

AND

Their workmen.

Present : Shri Sarju Prasad, Advocate.

For the Employers : Shri A.K. Mishra, Sr. Personnel Officer.

For the Workman : Shri Amitabh, Advocate, and Smt. S.D. Behara, Advocate.

State : Jharkhand.

Industry : Coal.

Dated, the 25th May, 2006.

AWARD

By Order No. L-20012/61/90-IR(C-I) dated 19-9-90 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1), sub section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the workman/Union that Shri B.K. Singh should be re-instated and regularised as Asstt. Draftsman in the prescribed pay scale under NCWA-III w.e.f. 20-11-87 alongwith payment of his wages and all attendant dues and benefits under NCWA-III is justified? If so, what relief the workman is entitled and from which date?"

2. The case of the concerned workman/sponsoring union is that B.K. Singh was employed as casual Draftsman

by the Dy. Chief Engineer (Civil) of CMPDIL w.e.f. 20-11-1987 and he was stopped from duty on 27-6-1988. The further case of the sponsoring union is that there is a practice in CMPDIL for engagement of casual workers in different Departments and ultimately they were regularised as permanent employees. Many other persons who were employed as casual workers have been regularised. According to the sponsoring union, the concerned workman was discharging the job of Draftsman which is permanent nature of job and he was given assurance by the management to regularise him in future. The management stopped him from duty on 27-6-1988 and did not regularise him.

3. The case of the management is that B.K. Singh, the concerned workman, was never employed/engaged as casual Draftsman by the management, but he was offered work pertaining to Civil Structural Drawings in A-1/A-0 size on a contract basis with an agreement to pay @ Rs.500 per drawing for a temporary period. Whenever work-load on the staff of the management, such jobs are assigned to outside agencies on a contract basis. The post of Draftsman is permanent and whenever there is vacancy the same is notified in the Employment Exchange and after observation with recruitment process a person is appointed as Draftsman.

4. It is admitted that the concerned workman has not completed 240 days work in a calendar year before he was stopped from duty. He has performed only 7 months and 8 days work. From the evidence of the management it appears that the concerned workman was offered remuneration of Rs.500 per drawing and for a very brief period. When the concerned workman has not completed 240 days work he cannot claim benefit of Sec. 25-F of the I.D. Act. Since he was appointed as casual Draftsman for a very brief period I think that the demand of the sponsoring union that the concerned workman should be re-instated and regularised as Asstt. Draftsman w.e.f. 20-11-87 is not at all justified.

5. In the result, I render following award—The demand of the workman/Union that B.K. Singh should be re-instated and regularised as Asstt. Draftsman in the prescribed pay scale under NCWA-III w.e.f. 20-11-87 alongwith payment of his wages and all attendant dues and benefits under NCWA-III is not justified and the concerned workman is entitled to no relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 5 जून, 2006

का.आ. 2514—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गल्फ एअर क. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई-I के पंचाट (संदर्भ संख्या 20/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2006 को प्राप्त हुआ था।

[सं. एल-11012/65/2001-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2514.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2001) of the Central Government Industrial Tribunal/Labour Court, Mumbai-I, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Gulf Air Co. and their workman, which was received by the Central Government on 2-6-2006.

[No. L-11012/65/2001-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, MUMBAI

Present : JUSTICE GHANSHYAM DASS, Presiding Officer.

Reference No. CGIT-20 of 2001

PARTIES : Employers in relation to the management of Gulf Air Company

and

Their workmen.

Appearances :

For the Management : Mr. Shri Ganesh Desai, Adv.

For M/s. Ranadive : Mr. Alva, Adv.

For the workmen : Mr. Umesh Nabar, Adv.

State : Maharashtra

Mumbai, dated the 23rd May, 2006.

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, Order No.L-11012/65/2001 IR(C-1) dated 23-11-2001. The terms of reference given in the schedule are as follows :

“ क्या गल्फ एअर एम्प्लॉईज एसोसिएशन की मै. गल्फ एअर कंपनी के प्रबंधन से मांग कि श्री लक्ष्मण मरतांड मिसे एवं सूची में दिए गए अन्य 15 कर्मकारों को सेवा में पर : स्थापित किया जाए एवं नियमितकरण का लाभ दिया जाए उचित एवं न्यायसंगत है। यदि हां तो उक्त कर्मकार किस राहत के पात्र हैं तथा किस तारीख से ?

2. This Industrial Dispute has been raised by Gulf Air Employees Association through its General Secretary Mr. Naryanan B. More (hereinafter referred to as Union) in respect of 16 workmen as mentioned in the list enclosed with the reference, against Gulf Air Company (hereinafter referred to as Company).

3. The statement of claim has been filed by the Union on 17-4-2002. The brief case of the Union is that the Company is engaged in the business of Air transport of passengers and cargo through out the world. The workmen under reference were working with the Company for a period

ranging from 12 years to 21 years as loaders for assigned duties to transport the baggage of the passengers to the aircraft and unloading the same at destination of the passengers. The employment of the workman with the Company was through M/s. Ranadive. The demand for the regularization and permanency of the workmen with the Company was raised by the Union since they were in the service of the Contractor engaged by the Company. A complaint was filed for unfair labour practice before the Industrial Court at Mumbai in the month of February 1994 in which an application for interim relief was also moved and the same was allowed but the same complaint was finally dismissed by virtue of the provisions of Act 24 of 1996 whereby it was declared that appropriate government would be the Central Government for the Airline Companies. The Union thereafter, filed a writ petition No. 1551 of 1997 challenging the order of dismissal of the Complaint. The writ petition was allowed and the complaint was restored to the Industrial Court. After restoration the Union made an application before the Industrial Court for impleadment of the concerned workmen as parties to the said complaint since the locus standi of the Union was challenged by the Company. During the pendency of the aforesaid complaint, the Honourable Supreme Court pronounced the judgement in the matters of Cipla Ltd. and Kalyani Steels Ltd. In this view of the matter, the Company filed a writ petition before the Honourable High Court for dismissal of the aforesaid complaint wherein proceedings before the Industrial Court were stayed. The Union thereafter, filed a writ petition before the Honourable High Court being the writ petition No. 747 of 2001 wherein the Honourable High Court directed the Regional Labour Commissioner vide order dt. 16-4-2001 to refer the dispute to the Industrial Court within six weeks. In this view of the matter, the reference was made by the Central Government. The demand of the Union for permanency of the workman with the Company is still pending for decision. It is alleged that the workmen were the employees of the Company through Contractor M/s. Ranadive. They were being employed for the business of the Company which was not only permanent but perennial in nature. The services of the workmen were dispensed with during the pendency of the proceedings and hence their reinstatement is also sought. The termination is alleged to be oral on the part of M/s. Ranadive without following due process of law. The Union has therefore, prayed for reinstatement with full back wages and also the regularization and permanency of the service of the workmen.

4. The written statement was filed by the Company on 16-7-2002. The crux of the contention of the Company is that the Union has no locus standi to raise the Industrial dispute since none of the workmen is an employee of the Company or the member of the Union. There is no relationship of Employer and Employee in between the Company and the workmen. In fact, M/s. Ranadive is the employer of the workmen. The services of the workmen were terminated by M/s. Ranadive, the Contractor. The workmen of M/s. Ranadive were protected employees by various statutes like E.S.I. Act. Payment of Bonus Act. Payment of gratuity Act etc. None of the workmen was deprived of any legitimate benefit. There appears to be no action on the part of the Company in respect of the workman

under reference. The demand of the Union against the Company for reinstatement or regularization or permanency is not maintainable. The reference made by the Central Government is bad in law. It is a outcome of non-application of mind on the part of the Government.

5. The Union filed the rejoinder dt. 11-10-2002 and reiterated its claim as set out in the Statement of claim.

6. On the request of the Union the summons were issued by this Tribunal to M/s. Ranadive for production of certain documents as sought for by the Union vide application dt. 3-12-2002. In view of this application M/s. Ranadive appeared before this Tribunal and moved an application for its impleadment. It also filed documents at a later stage but before that the impleadment of M/s. Ranadive has been allowed by this Tribunal. In view of the impleadment, M/s. Ranadive has forced written statement dt. 02-5-2003. It is contended that the Union has no *locus standi* to espouse the cause of any of the workmen who were employed by the Third Party M/s. Ranadive. The third party is a partnership concern. It is providing ground handling service to various International Airlines at Mumbai including the First Party Company. All the Airways including Jet Airways, Sahara Airways, Air India and Indian Airlines take the services of ground handling agencies. In fact, the Airport Authority of India has formulated a Regulation to control the functioning of all such ground handling agencies in India. In addition to the third party the other agencies like Cambatta Aviation, Oberoi Flight Services and Air India provide ground handling services. The Third party has Member of employees who are on its regular pay roll and such employees are offered all benefits including PF, ESI, Bonus etc.

The Union had earlier filed a complaint under MRTU and PULP Act, 1971 but this complaint was ultimately dismissed in view of the notification dt. 11-10-1995 wherein the Industrial dispute Act was amended and the appropriate government for foreign airlines is the Central Government. The complaint was restored by the Honourable High Court for expeditious disposal by the Court but subsequently, the Union filed a writ petition before the High Court which gave a liberty to the Union to withdraw complaint and raise the Industrial dispute. The workmen in question were employed by the third Party M/s. Ranadive. It is denied that they were working with the First Party Company. They are still the employees of the Third Party and thus, no question arises for regularization or permanency of the workmen with the First Party Company. It is also asserted by the Third party M/s. Ranadive that it has not terminated the service of any of the workmen but in fact they are not reporting for duty and for this reason they are not being engaged further. Hence, the question of legality, validity or propriety of termination of service does not arise. The workmen were always employed by the Third Party. The supervision, payment of wages and control over these employees were always with the Third Party. It was never with the First Party Company.

7. The Union again filed rejoinder in view of the written statement of Third Party M/s. Ranadive.

8. The following points arise for consideration :

- (1) Whether the 2nd Party Union has *locus standi* to raise an industrial dispute and pursue the above reference on behalf of the workmen of the third party M/s. Ranadive against the First Party M/s. Gulf Air?
- (2) Whether the Reference is maintainable against the First Party M/s. Gulf Air?
- (3) Whether the concerned persons are entitled for the reinstatement in the services of the First Party Company and for regularizations and permanency of their services by First Party?
- (4) What Award?

9. The Union filed the affidavit of Shri. Narayan Baghuram More, General Secretary of the Union in lieu of his examination in chief in support of the Statement of claim. He has been cross-examined by the learned counsel for the other parties. The First Party Company filed the affidavit of Shailesh Kumar Mazumdar in lieu of his examination in chief and he has been cross-examined by the learned counsel for Union as well as for Third Party. M/s. Ranadive has filed the affidavit of Shri Ranadive in the capacity of the partner of the third party M/s. Ranadive. He has been cross examined by the counsel for the other side. The documents filed by the parties have been duly exhibited as per law.

I have heard the learned counsel for the parties and gone through the record. I have also perused the written submissions submitted by the First Party and the Third party. The matter is orally argued by Mr. Nabar, Advocate for the Union.

11. FINDINGS:

ISSUE NO. 1 AND 2 : The question of relationship of employer and employee in between the Company and the workmen is to be considered in the light of the law laid down by the Honourable Supreme Court in the cases reported in (i) Nilgiri Coop. Mkt. Society Limited vs. State of Tamil Nadu, 2004 II LLJ page 253 - Supreme Court, (ii) Gujarat Electricity Board, Thermal Power Station vs. Hind Mazdoor Sabha, 1995 II LLJ page 790 — Supreme Court, (iii) Ramsingh and Ors. Vs. Union Territory, Chandigarh, 2004 I LLJ pg. 227—Supreme Court, and lastly (iv) Steel Authority of India Ltd. vs. National Union Water Front Workers, 2001 II LLJ pg. 1087 - Supreme Court.

On a perusal of the evidence available on record it is now the admitted position that the workmen under reference were not employed originally or subsequently by the First party Company. They were admittedly employed by M/s. Ranadive, Contractor. They worked through out under the supervision of the Third Party and not under the First party. They worked under the direct control of the Third Party. They were protected by various statutes like E.S.I. Payment, Bonus Act, Payment of Gratuity Act. They were permanently employed by the Third party for providing the services of loading and unloading to the First Party Company. The Third party keeps its employees for providing services of ground handling to other airlines such as Jet Airways, Sahara and Indian Airlines. The workmen were working with the Third Party for sufficient number of years

though it is not proved on record that they were working for the last 12 years to 21 years. The First Party Company takes the services of the employees under a contract with the Third Party which is not a camouflage. The services of the workmen were taken by the Third Party for the First Party Company after getting issued the entry passes from the Airport Authority. The services were not utilized since entry passes were not renewed by the Airport Authority although the Third Party sought for it. Mr. More, General Secretary admitted in his cross-examination that all the workmen are loaders of M/s. Ranadive. He is an employee of Gulf Air. He was issued Appointment letter by the Gulf Air. He is entitled to the benefits of settlement signed between Gulf Air and the Union. He has been given identity card by the Gulf Air. The loaders in question are not being given Appointment letter or benefits of Settlement by the Gulf Air Company. The payment of wages to the loaders was given by M/s. Ranadive. The renewal of entry permits was made under the authority of M/s. Ranadive. Mr. Shailesh Kumar Muzumdar has come out with the evidence in support of the Company which is not rebutted by cogent, reliable and direct evidence on the part of the workmen. None of the workmen has been examined to state on oath regarding its case. Infact, it should have been done so to show the personal knowledge of the facts. The knowledge derived by Mr. More being the General Secretary is to be accepted since he is being empowered by the Act to espouse the case of the employees but on the facts of the instant case his evidence is not sufficient to be relied upon to rebut the evidence led by the First Party Company and also by the Third Party Contractor. The evidence of Mr. Dilip Ranadive partner of M/s. Ranadive is more reliable. His evidence goes to show that his Supervisor was rotating the shifts, duties of the workmen under his instruction. The workmen under reference were also utilized in accordance with the exigency of the work for other Airlines.

12. Considering the entire evidence on record and keeping in mind the law laid down by the Honourable Supreme Court in the case referred above, I conclude that the burden of proving the fact that the workmen under reference were being employed by the First Party Company is not discharged and it is not proved on record that they were employees of the First Party Company or they became the employees of the First Party Company under law since the Government abolished the Contract Labour. The law laid down by the Honourable Supreme Court in the case of Steel Authority of India makes it clear that the workmen under reference cannot be said to be the workmen of First Party Company under the given facts and circumstances. The workmen under reference cannot be said to be the members of the Union since they were not the employees of the Company and that being so, the Union has no *locus standi* to raise the Industrial dispute on their behalf. Hence, the reference is not maintainable against the First Party Company. The Issue are answered accordingly.

13. **ISSUE NO.3:** In view of my findings on the aforesaid issues NO. 1 and 2, the workmen are not entitled to any reinstatement/regularization/permanency with the First Party Company since they are not held to be its employees.

14. **ISSUE NO. 4:** In view of the aforesaid findings, the workmen under reference are not entitled to any relief against the First Party Company.

15. Before parting with the reference, I would like to mention specifically as submitted by learned counsel Mr. Nabar, for the workmen that the workmen under reference still continue to be the employees of the Third Party M/s. Ranadive in view of specific admission made by it in the written statement and also in the oral evidence before the Tribunal. It has been specifically admitted that M/s. Ranadive has not terminated the services of any of the workmen under reference and in fact they are not being engaged for work since they did not report for duty. In this background, M/s. Ranadive should provide the work to the workmen under reference who report for duty with sincerity and devotion of work. The learned counsel for M/s. Ranadive submitted that no relief can be granted against it by this Tribunal since the Tribunal is required not to travel beyond the terms of the reference in which the relief is sought against Gulf Air Company only and not against M/s. Ranadive. The argument on the face of it appears to be good enough but the peculiar facts of the present case demand that M/s. Ranadive should be honest enough in providing the work to its employees whose services have not been terminated by it. It would be in the fitness of things and in the interest of justice to the poor workmen if M/s. Ranadive provides work to all the workmen or those who report to M/s. Ranadive for work on or before 1st of August 2006 and not beyond that.

The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 5 जून, 2006

का.आ. 2515.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यू. पी. एयरवेज लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-1 के पंचाट (संदर्भ संख्या 20/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2006 को प्राप्त हुआ था।

[सं. एल-11012/31/1999-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 5th June, 2006

S.O. 2515.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/99) of the Central Government Industrial Tribunal/Labour Court, New Delhi-1 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of U. P. Airways Ltd., and their workman, which was received by the Central Government on 2-6-2006.

[No. L-11012/31/1999-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE
BEFORE SHRI S. S. BAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1 NEW DELHI
I.D. No. 20/99

Shri Manjit Singh S/o Sukhdev Singh,
 Flat No. 2142, Sector D, Pocket II,
 Vasant Kunj,
 New Delhi-11 0070

Petitioner/workman

Versus

U.P. Airways Limited,
 A-2, Defence Colony,
 New Delhi-110024

Respondent/Management

Appearances : None for the workman.

Shri O.P. Singh, Sr. Manager, H.R.D.
 for the Management.

AWARD

The Central Government in the Ministry of Labour *vide* order No. L-11012/31/98-IR (C-I) dated 16-12-98 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of U.P. Airways in terminating the services of Sh. Manjit Singh w.e.f. 23-7-90 is just, legal and justified? If not, to what relief the workman is entitled to?”

2. Perusal of the record shows that the workman in this case is not appearing since last so many hearings. Workman last appeared in person on 22-3-04. Thereafter Mrs. Jyotica Bhasin appeared for him on 7-4-04 and 14-7-04 and Shri Manjit Singh workman also appeared in person on 28-3-05 alongwith his A/R Shri Ajit Upadhaya Advocate and Shri Ajit Upadhaya also appeared for the workman on 22-9-05 but Mrs. Jyotica Bhasin present today states that she and other persons namely Ajit Upadhaya did not receive any instructions from the workman. Workman has not appeared on subsequent dates thereafter on 5-10-04, 27-12-04, 16-5-05, 2-8-05, 5-12-05 and 20-2-06. It appears that the workman is not taking interest in the prosecution of this case which reflects that he does not dispute the action of the management any more. Hence no dispute award is accordingly passed *vide* separate detailed order. File be consigned to record room.

S. S. BAL, Presiding Officer

नई दिल्ली, 6 जून, 2006

का.आ. 2516.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 161/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-22012/292/1997-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 6th June, 2006

S.O. 2516.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 161/98) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N.C.L. and their workman, which was received by the Central Government on 6-6-2006.

[No. L-22012/292/1997-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR, U.P.

Industrial Dispute No. 161 of 98

In the matter of dispute between :—

Sri Lachan Dhari C/o Sri Ram Gopal Srivastava
 Village Chilkadad, Shakti Nagar, Sonbhadra, U.P.

AND

The General Manager
 Northern Coalfield Ltd., Khadia Project
 District Sonbhadra, U.P.

AWARD

1. Central Government, Ministry of Labour, New Delhi, *vide* its notification No. L-22012/292/97-I.R. (C-II) dated 11-8-98 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the management of Northern Coal Field Limited Khadia Project in terminating the services of Sri Lachan Dhari is justified or not? And whether he is entitled for reinstatement with back wages and other consequential benefits? If not, to what relief the workman is entitled for?”

2. In the instant case after exchange of pleadings and conclusion of evidence of the parties when the case was taken up for dictating award, it was noticed by the tribunal that the date of termination has not been mentioned in the schedule of reference order.

3. Further if on the basis of evidence of the parties, the tribunal is of the opinion that the action of the management is neither just nor proper and nor legal then a normal question arises before the tribunal as to from what date the concerned workman be awarded relief of reinstatement as claimed by him specially when there is no mention of the date of termination of the services of the workman in the schedule of reference order. It, therefore, appears that the schedule of reference order is vague and therefore, the same cannot be answered in the absence of specific date of termination of the services of the workman when it is alleged by the workman that the management has terminated his services in breach of provisions of relevant rules applicable on the workman.

4. In the last it is held that the schedule of reference order is vague and cannot be answered by the tribunal unless there is mention of specific date of termination of the services of the workman. Therefore, reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 6 जून, 2006

का.आ. 2517.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कर्नल सिक्यूरिटी सर्विसेज के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 55/2005) का प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-42012/32/2005-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 6th June 2006

S.O. 2517.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2005) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Colonel Security Services and their workman, which was received by the Central Government on 6-6-2006.

[No. I-42012/32/2005-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGLORE**

Dated : 9th May, 2006

PRESENT : Shri A.R. SIDDIQUI, Presiding Officer

C.R. No. 55/2005

I Party :

Shri Percy D'Souza and Others,
No. 1897, 3rd Cross,
K Block, Kuvempunagar,
Mysore---570023

II Party :

Prop. Col. Vinod Kumar.
M/s. Colonel Security Services,
E-148, Greater Kailash,
New Delhi-110048

AWARD

The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order No. I-42012/32/2005-IR (C-II) dated 6th December, 2005 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the proprietor of Colonel's Security Services (ADGR Registered Agency) in denying CL, EL, National Holidays wages and OT at double the rate to the Security Guards deployed at CFTRI, Mysore with effect from 15-1-2003 is legal and justified? If not, to what relief the Security Guards are entitled to and from which date?"

2 After registering the case notices has been taken against both the parties. On 20-1-2006 Shri Muralidhara and M. Venkatappa, advocates filed power for the first

party and on 31-1-2006 management through its Branch Manager Shri P.A. Poovaiah filed a memo and counsel for the first party also sought for time for settlement of the dispute. On 28-4-2006, one Shri Percy D'Souza representing the first party and on whose behalf Shri Muralidhara and M. Venkatappa filed power, appeared before this Tribunal along with said Poovaiah, the Branch Officer of the management and they filed separate memos stating that they have settled the dispute amicably and they may be allowed to withdraw the dispute.

3 As learned counsel for the first party representing the said Percy D'Souza was not present on that day, the matter came to be posted this day to hear the learned counsel representing the first party on the above said memo filed by Mr. D'Souza with the signatures of 28 employees working under the management. Today i.e. on 9th May, 2006 when the matter was taken up learned counsel Shri M. Venkatappa representing the first party submitted that the memo filed by Mr. D'Souza and the memo filed by Shri Poovaiah before this Tribunal on 28-4-2006 may be recorded and orders with regard to withdrawal of the dispute may be passed. Therefore, in the light of the above, following award is passed:—

AWARD

The memo dated 28th April, 2006 filed on behalf of the first party as well filed on behalf of the management by Shri Percy D'Souza and Shri P.A. Poovaiah are hereby recorded and parties are permitted to withdraw the dispute. In the result the reference on hand stands disposed of as per the aforesaid memos which shall form part of the award. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 9th May 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 6 जून, 2006

का.आ. 2518.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 188/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/48/1999 -आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 6th June, 2006

S.O. 2518.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 188/99) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Superintendent of Post Offices and their workman, which was received by the Central Government on 6-6-2006.

[No. I-40012/48/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR, U.P.****Industrial Dispute No. 188 of 1999**

In the matter of dispute between :

Ganga Vishnu Pandey
S/o. Sri Surya Narain Pandey,
Nowgawan Gowthem, P. O. Purwanmeer,
Kanpur

And

Superintendent,
Head Post Office,
Bara Chauraha, Kanpur

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. 40012/48/99-IR (DU) dated 28-7-99 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the Superintendent of Post Offices Kanpur in terminating the services of Sri Ganga Vishnu Pandey, Postman is legal and justified? If not, to what relief the workman is entitled?”

2. In the instant case after exchange of pleadings and conclusion of evidence of the parties when the case was taken up for dictating award it was noticed by tribunal that the date of termination has not been mentioned in the schedule of reference order.

3. Further if on the basis of evidence of the parties, the tribunal is of the opinion that the action of the management is neither just nor proper and nor legal then a normal question arises before the tribunal as to from what date the concerned workman be awarded reinstatement as claimed by him especially when there is no mention of the date of termination of services of the workman in the schedule of reference order. It therefore appears that the schedule of reference order is vague and therefore cannot be answered in the absence of specific date of termination when it is alleged by the workman that the management has terminated his services in breach of the provisions of I.D. Act.

4. In the last it is held that the schedule of reference order is vague and cannot be answered by the tribunal unless there is mention of specific date of termination of the services of the workman. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 6 जून, 2006

का.आ. 2519.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम

डिस्ट्रिक्ट मैनेजर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 287/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/203/1999-आईआर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 6th June, 2006

S.O. 2519.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 287/99) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom District Manager and their workman, which was received by the Central Government on 6-6-2006.

[No. L-40012/203/1999-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 287 of 1999

In the matter of dispute between :

Sri Mahendra Singh Yadav
S/o. Sri Ram Bharosey Yadav,
Vill. Turkipur Chitar Singh, P. O. Babooripur
District Auriaya, U.P.

And

The Telecom District Manager,
District Etawah, U.P.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L40012/203/99-IR (DU) dated 13-10-99 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the Telecom District Manager District Itawa in terminating the services of Sri Mahendra Singh Yadav is legal and justified? If not, to what relief he is entitled?”

2. In the instant case after exchange of pleadings and after conclusion of evidence of the parties when the case was taken up for dictating award it was noticed by the tribunal that the date of termination of the services of the workman has not been mentioned in the schedule of reference order made to this tribunal.

3. Further if on the basis of evidence of the parties

the tribunal is of the opinion that the action of the management is neither just nor proper and nor legal then a normal question arises before the tribunal as to from what date the concerned workman be awarded reinstatement as claimed by him specially when there is no mention of the date of termination in the schedule of reference order. It therefore appears that the schedule of reference order is vague and therefore cannot be answered in the absence of specific date of termination when it is alleged by the workman that his services has been terminated in breach of provisions of I.D. Act, 1947.

4. In the last it is held that the schedule of reference order is vague and cannot be answered by the tribunal unless there is mention of specific date of termination of the services of the workman.

Reference is therefore answered accordingly.

SURESH CHADRA, Presiding Officer

नई दिल्ली, 8 जून, 2006

का.आ. 2520—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 37/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार का 7-6-06 को प्राप्त हुआ था।

[सं. एल-12012/130/2003-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 8th June, 2006

S.O. 2520.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/2003) of the Central Government Industrial Tribunal-cum Labour Court, Kanpur (U.P.) as shown in the Annexure in the Industrial Dispute between the management of Canara Bank and their workman, received by the Central Government on 7-6-2006.

[No. L-12012/130/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR, U.P.

INDUSTRIAL DISPUTE No. 37 OF 2003

Industrial dispute between :

Lokendra Pal Singh

S/o Sri Giraj Singh

R/o Devi Ka Nagla

Near Dhanipur Mandi,

G.T. Road, Aligarh, U.P.

And

The Divisional Manager

Canara Bank

Divisional Office

Centre Point Complex

Aligarh, U.P.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/130/2003-IR (B-II) dated 20-10-03 has referred the following dispute for adjudication to this tribunal :—

“Whether the action of the Assistant General Manager Canara Bank Aligarh in terminating the services of Sri Lokender Pal Singh son of Sri Giraj Singh w.e.f. 14-8-02 is legal and justified? If not to what relief is the concerned workman entitled to?”

2. Briefly stated facts of the case are that the concerned workman appeared for his interview before the management bank on 9-3-91 after his name being sponsored from the District Employment Exchange for his appointment as daily rated worker. After interview the bank appointed him as daily rated mazdoor and the worker started his working as such and worked there upto 14-8-02. It has been alleged that the worker had worked all such work which was done by a regular and permanent staff of the bank at Bank's Dhanipur Branch. Worker also used to perform the work of clearing and he also used to be sent to other branches of the bank in connection with official work by the superiors of the bank. The worker has further alleged that he used to be paid a consolidated pay at Rs. 500/- per month which was used to be deposited by the bank in his account No. 5501. The worker has further alleged that the bank had also paid him bonus. It is further pleaded by the worker that as per exigency of work the bank used to take his services prior to his appointment w.e.f. 16-4-89 at bank's Dhanipur branch. Bank also used to take the services of the worker against permanent post falling vacant on account of permanent hand proceeding on leave and that the worker was paid Rs. 25/- or 30/- per day. It has also been alleged by the workman that after 9-3-91 he worked continuously up to 14-8-02 at bank's Dhanipur Branch. Work and conduct of worker ever remained satisfactory. Worker has further alleged that from time to time he made request before the authorities of the bank to regularise him in the services of the bank and also for payment of regular pay and allowances, which annoyed the management of the bank and thus his services were dispensed with w.e.f. 14-8-02. Neither any notice nor enquiry was made by the bank before dispensation with the services of the workman. Bank had even not paid him salary for 14 days for the month of August 2002 despite the fact that he had worked with the bank. Lastly it has been alleged that the workman worked with the bank for 12 years continuously and the bank without assigning

any reason or without giving him notice terminated the services which is an act of unfair labour practice and against the provisions of Labour Laws as well. On the basis of above pleadings it has been prayed that the management bank be directed to reinstate the workman in the service of the bank workman be declared as permanent employee and difference of salary be ordered to be paid to the workman.

3. Opposite party Canara Bank filed its reply against the claim of the workman wherein it has been pleaded by the bank that it is a Nationalized Bank and the employment in the bank is governed by well settled recruitment policies and the persons seeking employment have to pass through those procedure before getting appointment in the bank.

4. It has further been pleaded by the bank that the claimant has never undergone through these procedure and was never appointed by the bank. The claimant in the present case was engaged intermittently for 48 days during 1991 and for 81 days during 1992 on day to day basis by Dhanipur branch of the bank as coolie/water boy to meet exigencies. Claimant was engaged casually on daily wage basis and his engagements automatically came to an end after the work entrusted to him was over and non renewal of the same or no further engagement of the claimant is not retrenchment. The claimant was not in employment of the bank and he was never appointed by the bank. Moreover the claimant has never worked for 240 days or more in any calendar year and as such he cannot claim regularization in the service of the bank. Bank has further pleaded that the claimant has also given his generator on lease to Dhanipur branch of the bank and an agreement in this regard was entered into between the bank and the claimant. As per the terms of the agreement, the claimant was required to provide one generator operator for a minimum of 8 hours per day. The above said agreement was purely on contractual one and the same was not contract for employment. During August 2002 the premises of Dhanipur branch of the bank was shifted to the new premises. Since the landlord of the new premises has provided generator to the branch, the contract for generator with the claimant was discontinued by the branch. It is further case of the bank that the generator provided by the claimant to the bank was purely contractual in nature and the same does not give rise to any industrial dispute. Bank has denied that the claimant was ever appointed by the bank. As against it is the case of the bank that the claimant was engaged intermittently for 48 days during 1991 and for 81 days during 1992 on day to day basis as coolie/water boy on casual basis to meet the exigency by Dhanipur branch of the bank. Since the claimant was never in the employment of the bank question of satisfaction of any employee, officer or customer of the bank with his work does not arise. Since the claimant was never in the employment of the bank nor he was engaged for more than 240 days in any calendar year and as such the question of notice of termination or enquiry as contended by the claimant in the claim statement does not arise. It has been denied by the bank that the claimant was ever engaged during the month of August 2002 hence question payment of 14 days salary to the claimant does not arise at all. Lastly it has been

alleged by the bank that since there has been no relationship of employer and employee between the bank and the claimant nor he is entitled to any benefit or protection under the Industrial Act. Bank has thus prayed that the reference be decided against the claimant and in favour of the management.

5. After exchange of pleadings between the parties, the workman vide list dated 13-05-04 filed certain documents in original on 18-5-04 which was ordered to be placed on the record.

6. Workman Lokender Pal Singh examined himself as W.W. 1 in support of his claim whereas management examined its officers Chandra Shekhar and V.N. Pandey as M.W. 1 and M.W. 2 respectively. Management has also filed 49 documents per list dated 16-05-04 on 18-05-04 i.e. the date of hearing of the case.

7. The first and foremost question to be determined in the present case is as to whether the appointment of the workman in the bank of opposite party was in accordance with recruitment rules or not. In this connection it has specifically been pleaded by the workman in his pleadings that on being sponsored his name by the District Employment Exchange, he was issued an interview letter and after undergoing in the selection process the workman was appointed at Bank's Dhanipur Branch in District Aligarh as peon. In his examination in chief the workman on oath has stated that he was appointed at the post of peon at Bank's Dhanipur Branch after his name being sponsored by the Employment Exchange. He further stated that initially he was being paid wages @ Rs. 30/- per day which was further increased to Rs. 35/- per day. He goes on to state that his daily rate wage was further increased to Rs. 40/- per day and the amount of wages was being paid to him by cash and some times through cheque. Witness has further stated that the bank had issued working certificate in his favour. The witness further states that all such work as were being done by a regular peon of the bank were being taken from by the officers of the Bank. Worker has also stated that neither any notice or notice pay or retrenchment compensation was afforded to him by the bank at the time of termination of his services.

8. In his cross examination the worker has categorically admitted the fact that the bank issued to him appointment letter which is Ext.W.1 on record. Worker has denied the suggestion of the bank that in the year the workman had worked only for 48 days in the year 1991. Rather he had worked for 365 days in that year. Likewise the workman has further denied the suggestion that he had worked for a limited period in the year 1992. Workman goes on to state that the branch manager of the concerned branch got an agreement entered into between him and the bank regarding providing of a generator on hire basis and the amount received by him by way of rent was taken by the then branch manager from him. He further stated that on the advise of the branch manager he put his signature over the agreement. Workman has further categorically denied the suggestion of the bank that he did not complete 240 days of continuous service in the bank.

9. Management examined M.W.1 Sri Chandra Shekhar, officer of the bank who remained posted in the branch during the period 1990 to 1992. Witness has further admitted the fact that as per requirement the names are called from employment exchange under the directions of the Regional Office of the Bank and thereafter appointments are issued. Workers are paid wages through vouchers for the days they worked. The witness has stated that the workman had never completed 240 days of service. Therefore from the above evidence of the witness the hard and hard fact which comes out is that the appointment of the workman concerned was made after exhausting the recruitment rules by the management bank accordingly it is held that the appointment of the workman in the bank is quite legal and perfect. So far as the statement of the management witness is concerned that the workman has not worked for more than 240 days the same cannot improve the case of the management bank as the witness himself has admitted that he remained posted in the branch only for the period 1990 to 1992 whereas the working of the workman according to the parties concerned is upto 14-8-2002. Continuity of service for a period of 240 days of work is relevant only for one continuous year preceding the date of termination of the concerned workman. Therefore the tribunal is not inclined to believe the statement of the witness that the workman had not completed two forty days of continuous service in the branch before one calendar year from the date of termination of the workman as the opposite party bank has not examined any witnesses who remained posted during the period when the alleged termination of the workman was made by the bank. The bank ought to have examined some of its officer who remained posted during the relevant period when termination of the workman was effected. Thus the bank having failed to examine its witness on this point, the tribunal is bound to believe the evidence of the workman to the effect that he had completed 240 days of continuous service before termination of his services.

10. Ext W. 2 is a certificate issued by the branch manager in the name of the concerned workman certifying that workman had worked during the period 1-4-90 to 30-9-90. Ext. W-3 is letter dated 1-10-97 addressed to the branch manager of Canara Bank Aligarh by the branch manager of the bank where the workman was deputed is to the effect that he is deputed to his branch for receiving clearing cheques and that the branch manager also verified the signatures of the concerned workman over the said letter. Ext. W-4 is dated 9-5-97 and that is to the same effect as is Ext. W-3. Thus from these documents it is quite evident that the workman was working as peon in the branch upto 1997.

11. The contention of the opposite Party bank that the workman has provided a generator on hire basis to the branch and that he was operating the same in the branch is not believable at all in view of documentary evidence filed by the workman and also in view of the uncontroverted evidence of the workman on this point. Even assuming it to be correct that the workman has provided generator in

the branch on hire/rent basis still this cannot improve the case of the bank as the same would not amount that the workman apart from running generator in the branch was not performing the duties of the peon in the branch in view of Ext. W-3 and Ext. W-4.

12. The management in support of their case has also filed original vouchers through which payment of wages and rent charges for the generator was paid to the workman. Payment vouchers for wages is only for the year 1991-92. If at all it was the case of the opposite party bank that the workman had not worked with them beyond 1991-92 or that thereafter the workman had worked intermittently according to the own case of the opposite party bank heavy burden was on the opposite party bank to prove the fact as alleged by them in their pleading by way of producing payment vouchers of the days during relevant year and particularly for the last 12 months from the date of termination to prove their stand. But the bank having failed to do so it cannot be presumed that the workman had not worked with the opposite party bank in the year 2002. The tribunal thus is of the clear opinion that the bank opposite party has deliberately withheld the payment vouchers for the years 2002, 2001 and 2000. With a move to defeat the claim of the workman to the effect that had these payment vouchers been filed before the tribunal the workman may not prove his case that he had worked continuously for a period 240 days preceding 12 calendar months from the date of his alleged termination. Non filing of the payment vouchers by the opposite party bank is fatal on their part and the net conclusion that can be arrived at is that it is held that the workman had completed 240 days of continuous service as a peon with the opposite party bank before termination of his service.

13. Now it will be seen if the workman had been paid notice, notice pay or retrenchment compensation at the time of his termination as is provided under section 25-F of I.D. Act, 1947, or not. It has come in evidence of the workman that he had neither been paid any notice, notice pay or retrenchment compensation at the time of his termination from the services of the bank. Workman has not been cross-examined on this point from the side of the bank. Thus the evidence of the workman on this point remained uncontroverted and therefore, cannot be disbelieved. Accordingly it is held that the termination of the services of the workman w.e.f. 14-8-82 is neither legal nor justified being in breach of provisions of Sec. 25-F of the I.D. Act. The result is that the workman is held entitled to be reinstated in the service of the bank with full back wages and all consequential benefits. The workman is further held entitled to the benefits attached with the post like bonus etc., as it is admitted case of the parties that the workman was also paid bonus by the opposite party bank during the period he remained in the service of the bank.

14. Reference is answered accordingly against the opposite party bank and in favour of the workman.

SURESH CHANDER, Presiding Officer

नई दिल्ली, 8 जून, 2006

का.आ. 2521—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन केन्द्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. II, धनबाद के पंचाट (संदर्भ संख्या 56/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-06 को प्राप्त हुआ था।

[सं. एल-42012/40/2000-आई.आर. (डीयू.)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 8th June, 2006

S.O. 2521.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/2000) of the Central Government Industrial Tribunal cum Labour Court, No. II, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra and their workman, which was received by the Central Government on 08-06-2006.

[No. L-42012/40/2000-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD.

PRESENT

SHRI B. BISWAS,
Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 56 OF 2000

PARTIES: Employers in relation to the management
of Director, Doordarshan Kendra, Patna,
and their workman.

APPEARANCES:

On behalf of the workman : Mr. D.K. Verma,
Advocate.

On behalf of the employers : Mr. B.M. Prasad,
Advocate.

State : Jharkhand Industry : Doordarshan.

Dated, Dhanbad, the 24th May, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of
the powers conferred on them under Section 10(1)(d) of

the I.D. Act., 1947 has referred to the following dispute to
this Tribunal for adjudication vide their Order No. L-42012/
40/2000-IR(DU), dated, the 30th May 2000.

SCHEDULE

"Whether the action of the management of
Doordarshan Kendra, Patna in repeatedly
terminating the services of Sh. Anuj Srivastava,
Casual Hindi Reporter during July, 1994 to July, 1997
and finally w.e.f. 7-7-1997 is just, fair and legal? If
not, to what relief is the workman entitled?"

2. The case of the concerned workman according to
Written Statement submitted by him in brief is as follows:—

The concerned workman submitted that he was
appointed by the management in the month of July, 1994 as
Reporter (Hindi). Since his appointment he worked each
and every month till July, 1997. He submitted that as per
term of the management he used to remain present at the
place of his work on each and every day. He submitted that
inspite of his giving attendance every day management
used to engage him every month for a period ranging from
3 days to maximum 7 days. He disclosed that he submitted
representation to the management for his regularisation
but instead of regularising him service they dismissed him
from service w.e.f. 7-7-97 without assigning any reason for
which he raised an industrial dispute before the ALC(C)
Patna for conciliation which ultimately resulted reference
to this Tribunal for adjudication. Accordingly the concerned
workman submitted his prayer to pass Award directing the
management to reinstate him in service with full back wages.

3. Management on the contrary after filing Written
Statement-cum-rejoinder have denied all the claims and
allegation which the concerned workman asserted in his
Written Statement. They submitted that the concerned
workman was never appointed as Hindi Reporter at
Doordarshan Kendra Patna. His claim is misleading and at
variance with the facts. They submitted that the concerned
workman was a casual reporter and used to be booked
for some news work as per requirement. Accordingly
question of issuance of any letter of appointment to him to
work as Reporter under management never arose. They
submitted that the petitioner was discontinued from
January, 1997 because of his misconduct. However, he was
again given booking in July, 1997 after the petitioner
verbally apologised to the then News Editor and promised
not to misbehave in future again. However, as he failed to
maintain his behaviour his booking was finally
discontinued. They categorically denied the fact that the
concerned workman was required to be present on each
and every day in the premises of Doordarshan Kendra,
Patna. They submitted that no casual staff is allowed to
enter the campus of Doordarshan Kendra if he/she has got
no booking. They disclosed that question of termination
of his service never arose as he was not at all appointed by
the management as Reporter. They submitted that claim of
the concerned workman was absolutely contradictory on
the ground that when he demanded for regularisation of
his service question of terminating him from service did
not crop up. They submitted that his booking was only

stopped on account of his misconduct and in doing so management neither committed any illegality nor took any arbitrary decision violating the principle of natural justice. Accordingly management submitted prayer to pass Award rejecting the claim of the concerned workman.

4. POINTS TO BE DECIDED

“Whether the action of the management of Doordarshan Kendra, Patna in repeatedly terminating the services of Sh. Anuj Srivastava, casual Hindi Reporter during July, 1994 to July, 1997 and finally w.e.f. 7-7-1997 is just, fair and legal? If not, to what relief is the workman entitled?”

5. FINDING WITH REASONS

It transpires from the record that the concerned workman with a view to substantiate his claim examined himself as WW-1. Management also in support of their claim examined one witness as MW-1. WW-1 i.e. the concerned workman during his evidence disclosed that he submitted application to the Doordarshan Kendra Patna for consideration of his appointment as Reporter. On the basis of that application he was asked to appear before the interview board and after interview he was selected as Hindi Reporter and accordingly management issued letter of appointment to him. He further submitted that on the basis of his appointment letter he joined at Doordarshan Kendra Patna on 26-7-94. He disclosed that in connection with his job he used to attend to his duty at Doordarshan Kendra Patna daily and used to report his presence to the Editor everyday for duty. He disclosed that he worked as Hindi Reporter under direct supervision of the Editor and used to draw his salary from the authority by cheque every month. However, he admitted that his work at Doordarshan Kendra was on no work and no pay basis and he used to receive wages whenever he used to render his service. He alleged that the management without assigning him any reason stopped him from work for which he submitted representation to the management for consideration which was turned down. He alleged that management stopped him from work with the allegation of misconduct but for that reason they did not conduct any domestic enquiry. During cross-examination this witness, however, admitted that he did not submit any application before the management on the basis of any advertisement. He only submitted application based on source of information. He admitted that he also did not receive any call letter to appear before any interview in connection with his selection as Hindi Reporter. He admitted that on the basis of verbal instruction by News Editor, Doordarshan Kendra Patna, he joined to his duty. He further admitted that his engagement as Hindi Reporter was casual in nature. He further admitted that every month he used to draw wages which varies from 3 to 7 days maximum. MW-1 during his evidence based on 17 engagement letters issued by the management in the name of the concerned workman to perform his job on casual basis as and when required (marked as Ext. M-1 to M-1/16 on admission) submitted that his engagement was absolutely casual in nature. Management also relied on the statement of works of the concerned workman which he used to perform time to time as per engagement letters issued to him marked as Ext. M-

2 to M-2/3. They submitted that wages used to be paid to the concerned workman against his works as per the Index Card marked as Ext. M-3 and M-3/1. The letter issued by the news Editor, Door Darshan Kendra Patna addressed to the Additional Director, New Delhi during evidence of MW-1 was marked as Ext. M-4. This witness categorically denied the fact that the concerned workman was engaged as permanent employee of the management. Actually he was engaged for a particular period on casual basis whenever his service was required. During cross-examination this witness admitted that the concerned workman was discharged from his engagement as his behaviour was not good. This witness further submitted that as the concerned workman was not an employee of the management there was no question of issuance of chargesheet to him. Considering the evidence of WW-1 and MW-1 and also considering the facts disclosed in the pleadings of both sides there is no dispute to hold that the concerned workman was engaged time to time as Hindi Reporter at Doordarshan Kendra Patna. It is the contention of the concerned workman that he submitted an application at Doordarshan Kendra Patna for consideration of his appointment as Hindi Reporter and on the basis of his said application he was called for an interview and after interview he was selected as Hindi Reporter and accordingly management issued a letter of appointment and on the basis of that letter of appointment he joined at Doordarshan Kendra Patna on 26-7-94. During hearing the concerned workman has failed to produce any call letter from the Doordarshan Kendra Patna for causing appearance before the interview Board. He also has failed to produce any letter of appointment issued by the management for the post of Hindi Reporter. On the contrary from his evidence it transpires that he used to work at Doordarshan Kendra Patna on ‘No work no pay basis’. The facts which he disclosed during his examination-in-chief goes far away from the facts which he disclosed during his cross-examination. Considering his cross-examination it transpires clearly that neither he submitted any application for his engagement as Hindi Reporter on the basis of any advertisement nor he received any letter of interview from the management. Naturally question of his appointment as Hindi Reporter by the management did not arise. He has also failed to establish his claim that on the basis of verbal instruction of the News Editor Doordarshan Kendra Patna he joined to his duty. He specifically admitted that his engagement as Hindi Reporter was absolutely casual in nature and hardly he used to be provided with work as Hindi Reporter for 3 to 7 days. This very admission of the concerned workman speaks clearly that his engagement was absolutely casual in nature and he was not provided to work as Reporter beyond 7 days in a month. It is the contention of the Management that time to time the concerned workman used to be engaged as Hindi Reporter absolutely for a limited period and in support of this claim they relied on engagement letters marked as Ext. M-1 to M-1/16. The work chart and payment chart marked as Ext. M-2 to M-2/3 shows clearly that during the month of July, September, October, November and December 1994 he worked for 6 days, 5 days, 5 days, 5 days, 5 days and against such work he drew wages for 900, Rs. 750,

Rs. 750/- Rs. 750/- Rs. 750/- Rs. 750 respectively. Similarly during the year 1995 and 1996 the concerned workman in total worked for 63 days and 37 days respectively while during the period 1997 in all he worked for 9 days. Therefore, on us absolutely rests on the concerned workman to establish that he regularly worked under the management of Doordarshan Kendra as Hindi Reporter and put his attendance for more than 240 days in a year. Question of application of Section 25F of the I.D. Act, 1947 comes in if it is established beyond reasonable doubt that the concerned workman was a regular worker being appointed by the management. According to Section 25F of the I.D. Act., 1947 no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice. Therefore, the primary condition which is required to be fulfilled before claiming relief under Section 25F of the I.D. Act is that it has to be established by the concerned workman that he worked under the management continuously for not less than one year. Here in the instant case it transpires that during the period of 1995 and 1996 the concerned workman worked for 63 days and 37 days respectively. Therefore, there is no scope at all to say that the concerned workman in a year or within a span of 12 months worked for 240 days or more than 240 days. The engagement letter marked as Ext. M-1 series specifically exposed that absolutely for a certain period the concerned workman time to time was engaged to work as Hindi Reporter. It is the contention of the workman that the management dismissed him from his service on the allegation of misconduct. It is his further contention that before dismissing him based on that allegation the management did not consider necessary to conduct any domestic enquiry against him. The contention of the management on the contrary is that question of holding domestic enquiry did not arise as because of the fact that he was not at all a workman under the management. Even he did not fulfil the condition as laid down under Section 25F of the I.D. Act., 1947 i.e. he should have worked under the management continuously for a period of one year and put his attendance for more than 240 days in a year. Burden of proof absolutely rests on the concerned workman to show that he was in continuous service during the period from 1994 to 1997 and management illegally and arbitrarily putting blame on him of committing misconduct dismissed him from his service. It is seen that where maximum attendance of the concerned workman was only 63 days there is no scope under any circumstances to say that he was a workman under the management.

The concerned workman has claimed for his regularisation as Hindi Reporter disclosing the fact that he continuously worked under the management during the

period in questions referred to above. During his evidence the witness admitted that in a month maximum days of work which he worth to get scope to perform under the management was not exceeding 7 days. Therefore, in a year there was no scope for work more than 84 days. In such circumstances there was no scope of application of Section 25F of the I.D. Act., 1947 for his alleged retrenchment. It is the specific contention of the management that question of retrenchment never arose as because of the fact that he was not at all a workman under them. Sporadic engagement to work as Hindi Reporter in a year where such engagement did not exceed the period of 240 days cannot support his claim that he was retrenched by the management. Accordingly in view of the facts and circumstances discussed above I hold that the concerned workman has failed to establish his claim lamentably and for which he is not entitled to get any relief. In the result, the following Award is rendered :—

“The action of the management of Doordarshan Kendra, Patna in repeatedly terminating the services of Sh. Anuj Srivastava, Casual Hindi Reporter during July, 1994 to July 1997 and finally w.e.f. 7-7-1997 is just, fair and legal. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 8 जून, 2006

का.आ. 2522—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्टल डिपार्टमेंट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. -II, धनबाद के पंचाट (संदर्भ संख्या 72/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/153/1996-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 8th June, 2006

S.O. 2522.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/98) of the Central Government Industrial Tribunal-cum-Labour Court, No.-II, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Postal Department and their workman, which was received by the Central Government on 8-6-2006.

[No. L-40012/153/1996-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 1) AT DHANBAD.****PRESENT:****SHRI B. BISWAS, Presiding Officer**

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act., 1947.

REFERENCE NO. 72 OF 1998

PARTIES: Employers in relation to the management
of Sr. Supdt. of Post Office, Patna.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. H. Nath,
Advocate.

State : Jharkhand Industry : Post Office.

Dated, Dhanbad, the 16th May, 2006.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred to the following dispute to this Tribunal for adjudication *vide* their Order No. L-40012/153/96-IR(DU), dated, the 16th March, 1998.

SCHEDULE

“Whether the action of the management of Postal Department in terminating the services of Sh. Sanjay Kumar, EDMC Karanjia Branch Post Office is legal and justified? If not, to what relief the workman is entitled to?”

2. The case of the petitioner according to Written Statement submitted by him in brief is as follows:—

The petitioner submitted that he was engaged as substitute Extra Departmental Main Carrier at Karanjia Branch Post Office w.e.f. 10-1-89 and in that capacity continuously worked there upto 25-9-92 and again from 2-2-93 to 31-3-93 *vide* Memorandum No. A-2-K Karanjia dt. 1-8-86 and No. A-1/Karanjia/Dep./FD/92-93 dt. 3-2-93. He alleged that management *vide* letter No. A1-Karanjia/EDMC/90 dt. 31-3-1993 terminated his service from the said post of Extra Departmental Mail Carrier of Karanjia Branch Post Office, without assigning any reason through the said post was vacant at that relevant time. He alleged that before his retrenchment from that service management neither issued any notice to him nor paid wages in lieu of notice nor paid any sort of compensation for the services rendered by him. He disclosed that his service was terminated by the management on 31-3-93 and in place management

appointed another person in the said post illegally and arbitrarily though he offered himself as a candidate for the same. Accordingly he raised an industrial dispute before the ALC(C) for conciliation which ultimately resulted reference to this Tribunal for adjudication. Accordingly he submitted prayer to pass Award directing the management to reinstate him to his service in the post of Extra Departmental Mail Carrier at Karanjia Branch Post Office from the date of his termination.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in his Written Statement. They submitted that the Government of India has introduced Extra Departmental Agent System as long back as in 1854. The object underlying the Scheme is a judicious blend of economy of efficiency in catering the postal needs of the rural communities dispersed in remote areas. The needs has been restricted and infrequent. At present 80% of the Post Offices functioning in rural areas are being managed by the Government of India under Extra Departmental Agent System. For this purpose, the Postal Department as per Extra Departmental Agents (Conduct and Service) Rules, 1964 enters into a contract with the person who is selected and who takes over the agency (EDSPM/EDBPM/EDDA/EDMS). One of the conditions for getting such an agency is that the person concerned should have adequate means of livelihood. The person getting agency must be at least of 18 years of age and the maximum age is 65 years. They submitted that in rural areas Post Offices, generally there are three following posts :—

- (i) EDBPM (Extra Departmental Branch Post Master) To perform agency work of receipt of payment of M.Os etc. Their workload takes hardly 2.00 to 5.00 hours.
- (ii) EDDA (Extra Departmental Delivery Agent) His duty is for delivering all kinds of postal articles. The work loader takes hardly 2.00 to 5.00 hours.
- (iii) EDMS (Extra Departmental Mail Carrier) The work of his person is to carry mails to and from offices where mails are received and despatched. Their work loader takes hardly 2.00 to 5.00 hours.

All the persons attached with such type of rural post offices unlike other regular employees of the Postal Department do not get their salaries. They get only allowances as per rules and according to workload in rural post Offices, which vary from Post Office to Post Office. Other unique system in the rural Post Offices is that the persons working as (i) EDBPM, (ii) EDDA and (iii) EDMC and substitute a person selected by them to work in the Post Office at his place at his own risk and responsibilities in case the incumbent goes on leave or he goes on

deputation to ED Post or short time vacancies of Postman and Group 'D' etc. During this period the substituted man gets the allowances and not pay as admissible as per rules. He has no legal status and can not be treated at par with a daily rated Mazdoor/Casual Labourer. They submitted that the work of Telecommunication Department and Postal Department is completely different in as much as a person even employed casually gets the minimum pay and allowances as admissible of regular employees of Telecommunication Department. But no casual worker is employed in rural post offices like Telecommunication and other department of Government of India and other Public Sector undertakings. They disclosed that the department of Post Office as per rules framed by the Government of India is to fill up its vacancies through Employment Exchange under the Employment Exchange Act keeping in mind the reservation policy of the Government of India. Accordingly all the three categories of persons employed in rural areas Post Offices are selected after their names are recommended by the Employment Exchanges. They submitted that appointment and service condition of ED Agents specifically require minimum educational qualification and the selection is to be made on the basis of highest marks obtained by the candidate amongst the candidates. They disclosed that Vijay Kumar Singh, EDMC, Karanja Branch passed departmental examination for Postman from ED Quota and he was EDMC upto 24-5-92 and thereafter he went on training for 10 days on 25-5-92 followed by his Probations temporary postman on 4-6-92. Sri Vijay Kumar Singh, in the capacity of EDMC, Karanja Branch gave the concerned workman as his substitute when he went on occasional deputation and in this way, the concerned workman worked as substitute duly nominated by him for the periods from 1-8-84 to 30-9-85, 6-3-86 to 30-4-87, 1-2-91 to 15-10-92 and 3-2-93 to 20-3-93. During this period the concerned workman drew the same allowances as were paid to Sri Vijay Kumar Singh. He was not given any pay for the period in questions there is no provision for the same. In the year 1993 a vacancy arose for the post of EDMC, Karanja and the applications were called from Employment Exchange, which recommended 14 names including the name of the concerned workman. In that merit list the marks of the concerned workman was much lower and accordingly appointment was made to the candidate who secured No. 1 position in the panel on 2-1-96. Since the name of the concerned workman was below in the merit list he could not be selected for the same. They submitted that the concerned workman was neither appointed nor his services were terminated by the employers. They submitted that the concerned workman has got no case against the management and accordingly he is not entitled to get any relief in view of his prayer.

4. POINTS TO BE DECIDED

"Whether the action of the management of Postal Department in terminating the services of Sh. Sanjay Kumar, EDMC Karanja Branch Post Office is legal and justified? If not, to what relief is the workman entitled?"

5. FINDING WITH REASONS

It transpires from the record that the concerned workman in course of having neither appeared nor considered necessary to adduce evidence with a view to substantiate his claim which he ventilated in his Written Statement. Management also declined to adduce any evidence. Accordingly when neither of the parties with a view to substantiate their claim adduced any evidence either oral or documentary, the only course which remains open is to consider the facts disclosed in the pleadings of both sides with a view to answer the reference in question. Considering the pleadings of both sides I find no dispute to hold that the concerned workman was engaged as a substitute of Vijay Kumar Singh in the capacity of EDMC at Karanja branch. It is the contention of the concerned workman that though he was appointed by the management to work in the capacity of EDMC from the period from 1-1-89 to 25-9-92 and again from 2-2-1993 to 31-3-93 was illegally retrenched by the management without giving any notice or paying any compensation in lieu of notice. The contention of the concerned workman is that such retrenchment was absolutely illegal and arbitrary considering the fact that there was clear vacancy for the said post in the said post office. He further alleged that in his place management appointed another person though he offered the management to work as EDMC. On the contrary it has been submitted by the management that one Vijay Kumar Singh, EDMC Karanja Branch passed departmental examination for Postman from ED quota and he was in the post of EDMC upto 24-5-92 and thereafter he went on training for 10 days on 25-5-92 followed by his probation as temporary Postman on 4-6-92. They submitted that it was Vijay Kumar Singh who engaged the concerned workman as his substitute when he went on occasional deputation after he passed the departmental examination for the post of Postman from E.D. quota. Considering the submission of the management as per pleadings there is no dispute to hold that the concerned workman worked as EDMC for the period which the concerned workman disclosed in his Written Statement. Admitting this fact the management submitted that the Deptt. of Post as per rules framed by the Govt. of India has to fill up its vacancies through Employment Exchange under the Employment Exchange Act keeping in mind the reservation policy of the Government of India. Accordingly the person engaged as EDBPM, EDDA and EDMC are in

rural post offices on their selection after their names are recommended by the Employment Exchange. They disclosed that the appointment and service condition of ED Agents specifically require minimum educational qualification and the selection is made on the basis of highest marks obtained by the candidates amongst the candidates. They disclosed that the unique system in the rural post offices is that the persons working as (i) EDBPM (ii) EDDA and (iii) EDMC can substitute a person selected by them to work in the post office at his place at his own risk and responsibilities in case the incumbent goes on leave or he goes on deputation to ED Post or short time vacancy of Postman and Group-D etc. During this period the substituted man gets the allowances and not pay as admissible as per rules. He has no legal status and can not be treated at par with daily rated Mazdoor or casual labourer. They submitted that the Govt. of India has introduced Extra Departmental/Agent System as long back as in 1854. The object underlying the Scheme is a judicious blend of economy and efficiency in catering the postal needs of the rural communities dispersed in remote areas. For this purpose the Postal Department as per Extra Departmental Agents (Conduct and Service) Rules, 1964 enters into a contract with the persons who is selected and who takes over the agency (EDSPM/EDBPM/EDDA/EDMS). One of the condition for getting such agency is that the person should have adequate means of livelihood and he must be atleast 18 years of age and the maximum age is 65 years. According to this act as mentioned above all the persons are attached to rural post offices unlike other regular employees of the Postal Department did not get their salaries, they only get allowances as per rules and according to work load in rural post offices which vary from Post Office to Post Office. Management submitted that as per the said contract the concerned workman being the substitute of Vijay Kumar Singh drew allowances as per the records of accounts of Patna G.P.O. from which allowances were drawn. It has been admitted by the management that the year 1993 a vacancy for the post of EDMC, Karanja arose and applications were called for from the Employment Exchange and the Employment exchange sponsored by names of 14 persons including the concerned workman for consideration. They submitted that according to merit list the name of the concerned workman was much lower and accordingly appointment was given to the person who in No. 1 position of the panel on 2-1-96. They disclosed that as the name of the concerned workman was below in the merit list there was no scope for his selection. Therefore, in view of the facts disclosed by the management in their pleadings a clear picture has come out how EDMC is appointed and for which purpose. It is seen that the job of EDMC is for a particular period and their services are not unlike of regular employees of the Postal Department. They do not draw any salaries but against their work they only draw allowances as per Extra

Departmental Agent (Conduct and Service) Rules, 1964. Therefore, it is clear that they are not to be considered as regular employees of the management on salaried basis. In the instant case it is seen that the concerned workman was a substitute of Vijay Kumar Singh who after passing departmental examination for the post of Postman went on training. It was Vijay Kumar Singh who substituted the concerned workman in his place when he went on training as because according to Act such facilities for engagement of EDMC is prevailing. Management admitted that at Karanja Post Office a vacancy arose for the post of EDMC and accordingly as per Govt. Rules, they requested the Employment Exchange to sponsor the names of suitable candidates. It has been submitted by them that Employment Exchange sponsored the names of 14 candidates including the concerned workman but according to merit list as the position of the concerned workman was far below there was no scope to engage him. If this fact is taken into consideration there is no scope to say that the management did not give any scope to the concerned workman for his selection but he could not be selected as he could not stand in the merit list. Considering the facts discussed above it is clear that EDMC Staffs are not like employees of the Postal Department. They are only entitled to get allowances for the work done by them in a particular post office and that allowances is drawn from the G.P.O., Patna. When the concerned workman in any circumstances cannot be treated as workman under the Postal Department there is no scope to accept his plea that application of Section 25F of the I.D. Act is mandatory before his termination from service. Actually the concerned workman was selected by Vijay Kumar Singh EDMC as his substitute at his risk when he went on training after passing the departmental examination. Accordingly in true sense no employer-employee relationship ever existed between the concerned workman and the Postal Department. He was an Agent and discharged his duties under the Extra Departmental Agent under (Conduct and Service) Rules, 1964. Accordingly after careful consideration of all the facts and circumstances there is sufficient scope to say that the management i.e. the Postal Department did not commit any illegality in filling up the post of EDMC when a vacancy arose at Karanja Post Office as per merit list. The Postal Deptt. also did not commit any illegality to fill up that post through Employment Exchange as per merit list. Accordingly I hold that the claim of the concerned workman is baseless and without any merit and for which he is not entitled to get any relief. In the result, the following Award is rendered:—

“The action of the management of Postal Department in terminating the services of sh. Sanjay Kumar, EDMC Karanja Branch Post Office is legal and justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 8 जून, 2006

का.आ. 2523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व्हिकल फैक्ट्री, जबलपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अभ्यन्तरीय न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी आईटी/एल सी/आर/49/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2006 को प्राप्त हुआ था।

[सं. एल-14012/45/1992-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 8th June, 2006

S.O. 2523.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/49/94) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vehicle Factory, Jabalpur and their workman, which was received by the Central Government on 8-6-2006.

[No. L-14012/45/1992-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/49/94

SHRI C. M. SINGH, Presiding Officer :

Shri Dayaram, S/o Shri Khatanmal Sindhi,
Ishammandas Chowk,
Dinesh Pan Bhandar, House No. 1857,
Dwarka Nagar, Lalmati,
Jabalpur

... Workman

Versus

The General Manager,
Vehicle Factory,
Jabalpur

... Management

AWARD

Passes on this 25th day of May, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-14012/45/92-IR (DU) dated 29-4-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Vehicle Factory, Jabalpur (MP) in terminating the services of Shri Daya Ram w.e.f. 25-1-92 is justified? If not, what relief the workman is entitled to?”

2. The case of the workman Shri Dayaram in brief is as follows. That he was employed as Machinist (Skilled) T. No. NTM/203/02681 in Vehicle Factory, Jabalpur and

had rendered about 18 years of faithful service. He being a close friend of Shri K. D. Pathak, LDC, TFS Section of the said factory got some clothes purchased on credit to Shri Pathak, on his personal security. The said credit amount was left uncleared for a long period and not paid by Shri Pathak in spite of repeated demands by Shopkeeper and as a result thereof the workman was pressed hard to make contact with Shri Pathak for its immediate clearance. Therefore he visited Shri Pathak in his TFS Section on his pay day i.e. on 1-11-1988 and requested that immediate payment be made to the shopkeeper. This particular approach was taken as a prestige issue and an act of insult and in a retaliatory and aggressive manner Shri Pathak falsely implicated the workman in a concocted attempted theft of “Gear Main Drive”—Factory Property already lying on the table of Shri Pathak in a bare and uncovered position taken out from sealed packets. The Security Staff in collusion with Section Incharge. Foreman, Orderly Officer etc. finding the workman alone by means of coercion all types of inculpatory statements from him as well as from others belonging to administration which according to them could be considered sufficient to hold him guilty for attempt of theft of government property. A report of attempt of theft of government property was made out at against the workman and the same was forwarded on 1st November, 1988 to the General Manager (N/Applicant No. 1) by the Security Staff with all false, fictitious and fabricated documents for necessary action. The charge sheet dated 24-11-88 was issued by the General Manager alleging not only removing two pieces Gear Main Drive but also of unauthorised entry to TFS Godown on 1-11-88. The workman denied the charge and as a consequence thereof. Enquiry Officer was appointed to enquire into the charge and so also the Presenting Officer to present the case on behalf of the administration. The workman was put under suspension on and from 2-11-88 and was continued so till imposition of penalty. That the enquiry was improperly and illegally conducted being full of infirmities. It was not conducted impartially against the workman. The Enquiry Officer allowed witness Shri P. K. Saha (Administrative witness) (Q. No. 68) to introduce a false, misleading and fictitious report of the workman's involvement in case of missing of tools and instruments though not made the subject matter of the charge. The findings are not based on the evidence on record. The Enquiry Officer fell in error in not accepting shopkeeper Raj Kumar's evidence produced in defence. The workman made submission to the Disciplinary Authority on 14-11-91 assailing the findings of the Enquiry Officer as perverse, one sided and unwarranted. The Disciplinary Authority without analysing or examining or applying his mind to all the defence pleas mechanically imposed a penalty of Dismissal from Service with effect from 25-1-92. The workman preferred appeal dated 3-2-92 raising cogent defence pleas. But the appeal was also disposed off without appreciating the evidence on record. Let the entire disciplinary proceeding including

disposal of the case by the Disciplinary Authority and appellate authority are violative of various provisions of CCS (CCA) Rules, principle of natural justice and constitutional rights. The enquiry was conducted as an empty formality and full of infirmities. That no FIR was lodged for the attempt of theft which is a criminal offence and attracts the provision of IPC and Departmental Forum has no jurisdiction, power and authority to usurp the power of Court which is invested with the power of fine and imprisonment. The reference deserves to be allowed as the punishment imposed is grossly excessive and disproportionate. It has been prayed by the workman that the order of his dismissal from service be set aside and he be reinstated with full back wages and consequential benefits.

3. Management filed their written statement. Their case in brief is as follows. That the workman while working in the Vehicle Factory, Jabalpur as Machinist (Skilled) had committed gross misconduct, unauthorized entry in TFS godown and attempted theft of costly Government material conduct unbecoming of a Government servant. It was alleged that on 1-11-88 at about 11.45 AM, the workman who was working in the N.T.M Section entered the godown of TFS Section without any just and reasonable cause and unauthorisely removed two pieces of gear main drive. The workman was caught red-handed by Shri K.D. Pathak, LDC, TFS Godown while removing the said material. The workman was issued with the memorandum of charge dated 24-11-88 under Rule-14 of CCS(CCA) Rules 1965. He denied the allegations inspite of the fact that on 1-11-88 he had admitted that he attempted theft before officers and staff of the factory. The Disciplinary Authority appointed an Enquiry Officer to enquire into the allegations made against the workman. The workman sought the assistance of a Defence Assistant and he was granted permission. The prosecution led both documentary and oral evidence and the workman was given due opportunity to cross-examine the witnesses and lead evidence in rebuttal. On conclusion of the enquiry, the Enquiry Officer after having considered the facts and evidence on record submitted his report to the Disciplinary Authority. The Disciplinary Authority analysed the Enquiry Report and after applying his mind agreed with the findings of the Enquiry Officer and *vide* order dated 25-1-92, the Disciplinary Authority imposed the punishment of dismissal from service w.e.f. 25-1-92 (FN). The workman had filed the appeal dated 3-2-1992 before the Appellate Authority. The Appellate Authority after having considered the appeal together with the record found no reason to dissent with the conclusion of the disciplinary Authority or to interfere with the punishment of dismissal from service. The enquiry was conducted in accordance with law and procedure framed therefor. The contention of the Workman that since no FIR was lodged, an Enquiry could not take place cannot be sustained. It is pleaded by the management that in the event the enquiry being found vitiated for any reason whatsoever, the management craves

leave of this Honourable Tribunal to prove the misconduct of the workman before this tribunal. It has also been pleaded that looking to the misconduct and proof thereof, the penalty imposed is proportionate in law and the workman is not entitled to any relief.

FINDINGS

4. My learned predecessor in office *vide* order dated 26-3-99 after having heard the learned counsel for the parties and after having considered the facts on record, recorded the finding that the DE was conducted in an impartial manner and the workman was given full opportunity to defend himself. It was further held by my learned predecessor in office that the procedure adopted is proper, valid and legal thereafter my learned predecessor posted the case for final argument. The findings on this issue shall form the part of award.

5. I have heard Shri M.R. Chandra, Advocate for workman and Shri Sajid Akhtar, Advocate for the management. I have also gone through the written argument submitted by the learned counsel for the workman. I have very carefully gone through the report.

6. In the written argument, the learned counsel for the workman has re-agitated the issue that the departmental enquiry conducted against the workman is not legal and proper. Against it, the learned counsel for the management has rightly submitted that issue has been decided as preliminary issue *vide* order dated 26-3-99 passed by this tribunal and it cannot be re-agitated or re-opened. I am of the considered view that the issue already decided cannot be re-agitated or re-opened hence the argument submitted by the learned counsel for the workman in this respect is of no help to the workman's case.

7. It has been averred in the statement of claim that no FIR was lodged for the attempt of theft which is a criminal offence and attracts the provision of IPC and departmental forum has no jurisdiction, power and authority to usurp the power of Court which is invested with the power of fine and imprisonment. It is settled principle of law that the result of the criminal case has no bearing on the departmental enquiry or its findings. It was the choice of the management to have lodged the FIR with the police against the workman for committing attempt of theft. If the management did not lodge the FIR with the police of the above act, it hardly makes any difference. The contention of the learned counsel for the workman that since no FIR was lodged, an enquiry cannot take place cannot be sustained.

8. It has been submitted by the learned counsel for the workman that the workman is absolutely innocent and there was no such previous record of theft or attempt of theft in the past against him. That he has got a big family to maintain. That after his termination, he is sitting unemployed and is completely financially ruined. It has also been averred by the workman in his statement of claim that reference deserves to be allowed as the punishment imposed is grossly excessive and disproportionate.

Against the above, the learned counsel for the management submitted that under the facts and circumstances of this case, the tribunal is requested not to exercise its jurisdiction under Sec-11-A of the Industrial Disputes Act, 1947 to award lesser punishment than the dismissal from service. In this respect, he placed reliance on 1998 (1) LLJ-431 in the case of Union of India and others versus Srivastava B.K. I have very carefully gone through the law cited above. It has been held therein that if the DE conducted is fair and legal and there has been exercise of power by the Disciplinary and Appellate Authority, the tribunal should stay away its hand. That it is no part of function of the tribunal to substitute its own decision when enquiry is held in accordance with rules and the punishment is imposed by the authorities considering all the relevant circumstances and which it is entitled to impose. The learned counsel for the management also placed reliance on 1995-I-LLJ-1065 in case of Shri A.M.Ishwarchar versus Executive Engineer, electrical wherein the Hon'ble High Court of Karnataka held that under the guise of sympathy, there can be no compromise in case of gross indiscipline. That sympathy will be shown in the appropriate cases and the courts in this country have frequently observed that sympathy results in miscarriage of justice.

9. Having considered the facts and circumstances of this case, I am of the considered opinion that it is not a fit case in which lesser punishment than dismissal from service be awarded.

10. In view of the above, it is concluded that the action of the management of Vehicle Factory, Jabalpur (MP) in terminating the services of Shri Daya Ram w.e.f. 25-1-92 is justified and as a result thereof the workman concerned is not entitled to any relief.

11. The reference is accordingly answered in favour of the management and against the workman. The parties shall bear their own costs of this reference.

12. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 6 जून, 2006

का.आ. 2524.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड टेलीकॉम डिस्ट्रिक्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 63/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/248/2001-आई आर (डी यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 6th June, 2006

S.O. 2524.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 63/2004) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Ltd. Telecom District and their workman, which was received by the Central Government on 6-6-2006.

[No. L-40012/248/2001-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. RAMACHANDRA REDDY, Presiding Officer

Dated the 19th day of May, 2006

INDUSTRIAL DISPUTE No. 63/2004

[Old I.D. No. ITID(C), 25/2002 transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam]

BETWEEN:

Sri M. V. Nageswara Rao,
S/o Sh Venkayya,
Regupalem (Presiding Officer)
Yelamanchili Mandal, VisakhapatnamPetitioner

AND

The General Manager Telecom district,
Bharat Sanchar Nigam Ltd.,
PO.: Dabagardens,
Visakhapatnam - 530 020.Respondent

APPEARANCES:

For the Petitioner : Sri P. Srivenkateswar,
Advocate

For the Respondent : Smt D. Venkata Lakshmi
(Arrabolu), Advocate.

AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/248/2001-IR(DU) dated 18-12-2001 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal cum Labour Court, Visakhapatnam between the management of Bharat Sanchar Nigam Ltd., and their workman, which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 bearing No. ITID(C)25/2002 on a point of jurisdiction. The reference is

SCHEDULE

“Whether the action of the management of Bharat Sanchar Nigam Limited, Telecom District, Visakhapatnam in terminating the services of Sh. M.V. Nageswara Rao, ex. casual mazdoor with effect from 1-10-1996 as alleged by him is legal and/or justified? If not, to what relief the workman is entitled?”

The reference is renumbered in this Tribunal as I.D. No. 63/2004 and notices were issued to the parties.

2. The Petitioner workman Mr. M.V. Nageswara Rao filed his claim statement alleging that he was employed as a casual labour under Sub-Divisional Engineer(Groups), Madhurawada, Visakhapatnam-40 w.e.f. 1-8-89 till he was retrenched on 1-10-96 continuously to the satisfaction of the superiors. Since he requested the Management for regularisation, he was served with notice dated 2-9-96 stating that he was retrenched from service w.e.f. 1-10-96. The action of Respondent is illegal and arbitrary and that he worked continuously for more than 240 days in each year and became eligible for regular absorption.

3. It is further submitted that it is alleged in the retrenchment notice dated 2-9-96 that he cheated the Department by submitting bogus working days certificate stating that he worked prior to 22-6-98 (cut off date) and further submitted that the allegation made in the notice is baseless and amounts to misconduct and that he was removed without conducting the enquiry or opportunity to defend himself in violation of principles of natural justice and further no domestic enquiry was conducted regarding the alleged misconduct. It is further submitted that notice issued U/s 25F of Industrial Disputes Act, 1947 retrenching the Petitioner is illegal and invalid as one month clear notice was not given and further no compensation was paid as required U/s 25F of the Industrial Disputes Act, 1947. The petitioner requested for reinstatement with back wages and all attendant benefits.

4. The Respondent Management filed its counter and denied the averments made in the petition and pleaded that retrenchment notice was dated 2-9-96 was served on the same day and further denied that the petitioner has worked for 240 days continuously in each year and eligible for regularization. It is further submitted that the Petitioner workman joined in the muster roll on 1-8-89 by way of submitting bogus proof of work prior to cut off date i.e. 22-6-88 which amounts to fraud and cheating. Since Petitioner is not a regular worker no departmental enquiry was conducted and the CCA rules are not applicable to the Petitioner. It is further submitted that the Respondent Management is not an industry under law. As such the dispute will not come under the purview of the Industrial Disputes Act, 1947.

6. The Petitioner filed a rejoinder and denied that he filed bogus service certificate stating that he worked prior to the cut off date and played fraud and cheated the Respondent.

7. The Petitioner filed his affidavit in support of his case and got marked the following documents. Ex. W1 is the Copy of service particulars of WW1 from 1-8-89 to 31-3-94. Ex. W2 is the copy of service particulars of WW1 from 18-7-94 to 31-1-95. Ex. W3 is the copy of service particulars of WW1 from 1-5-95 to 30-9-96. Ex. W4 is the copy of notice of retrenchment. Ex. W5 is the Copy of minutes of conciliation proceedings.

8. Against this evidence the Respondent filed affidavit of Sri U. Ramakrishna as MW1 and got marked the following documents. Ex. M1 is the Copy of representation of WW1 dated 29-3-2000. Ex. M2 is the Copy of service particulars of WW1 from 1-8-89 to 31-3-94. Ex. M3 is the OA No. 33/94 on the file of Hon'ble C.A.T. filed by the Petitioner Ex. M4 is the letter given by the AGM (Admn) indicating the list of candidates who were granted temporary status mazdoor, dated 29-6-2000. Ex. M5 is the guidelines given by AP Circle office in connection with grant of temporary status to casual labour, dated 28-6-2000. Ex. M6 is the notice of retrenchment under Section 25(F) dated 2-9-1996.

10. The Learned Counsel for the Petitioner contended that Respondent Management is an industry as such the provisions of Industrial Disputes Act, 1947 are applicable. He further contended that the Petitioner workman worked as a casual labour from 1-8-89 to 1-10-96 continuously and that he was served with retrenchment notice dated 2-9-96 under Sec. 25F of Industrial Disputes Act, 1947 which is illegal and arbitrary and further contended that the Respondent alleged in the retrenchment notice that he cheated the Respondent by submitting a false service certificate stating that he worked prior to the cut off date 22-6-88. But no enquiry was conducted regarding the submission of the alleged bogus certificate and the Petitioner was not given an opportunity to defend himself and the action of the Respondent is against the principles of natural justice and further contended that clear one month notice period was not given to the Petitioner as per the notice and further compensation was not paid. As such the notice is illegal and in violation of the provisions of Sec. 25F of Industrial Disputes Act, 1947.

11. The learned counsel for the Respondent contended that the Respondent Management is not an industry, as such the Industrial Disputes Act, 1947 is not applicable and further contended that the Petitioner has cheated the Respondent Management by submitting bogus service certificate showing that he worked prior to the cut off date i.e., 22-6-88, as such he was retrenched from service and further pointed out that Petitioner approached the Hon'ble Central Administrative Tribunal, Hyderabad but the same fact was suppressed in the claim statement and further contended that there is a ban on regular recruitments. As such he is not entitled to no relief.

12. Though the learned Counsel for the Respondent has taken the plea that the Respondent is not an industry,

the same could not be substantiated. It was held in AIR 1988 in Hon'ble Supreme Court that the Bharat Sanchar Nigam Limited is an industry. As such the provisions of Industrial Disputes Act, 1947 are applicable.

13. Though the Respondents has taken the plea that the Respondent is not an industry as per the provisions of Industrial Disputes Act, 1947 it is significant to note that the Respondent has issued a retrenchment notice u/s 25F of Industrial Disputes Act, 1947. The issued of notice u/s 25F of Industrial Disputes Act, 1947 amounts to conceding that the Respondent is an industry.

14. The Petitioner as well as the Respondent filed record showing the total working days of the Petitioner for each year. The Petitioner has joined the Respondent organization on 1-8-89 as a casual labour and he was retrenched by issuing the notice in Ex. W4 and Ex. M6. This notice of retrenchment u/s 25F of Industrial Disputes Act, 1947, discloses that the Petitioner was given employment as casual labour by submitting ingenuine working days prior to 22-6-88 and thereby cheating the Department. Hence, he was given one month notice as per Sec. 25F of Industrial Disputes Act, 1947 and he was retrenched w.e.f. 1-10-96.

15. That this notice shows that Petitioner was given one month notice, in fact one month notice was not given to the Petitioner. The notice dated 2-9-96, even it is served on the same day there is no clear 30 days time given to the Petitioner. He was retrenched w.e.f. 1-10-96 that is within one month. Sec. 25F of Industrial Disputes Act, 1947 reads as follows :

"Sec. 25F : Conditions precedent to retrenchment of workmen :—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) The workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.
- (b) The workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay (For every completed year of continuous service) or any part thereof in excess of six months; and
- (c) Notice in the prescribed manner is serviced on the appropriate government (or such authority as may be specified by the appropriate government by notification in the Official Gazette).

In view of the said provisions the employer has to given notice for a clear 30 days period to the workman from the date of serving the notice till the date of retrenchment. In the present case the notice issued by the Management

is in violation of Sec. 25F of Industrial Disputes Act, 1947. Further, in view of the issue of retrenchment notice the workman is entitled for 15 days wages for each year. The Petitioner was not paid any compensation for the service rendered by him.

16. It is true that the CCA rules are not applicable to the casual labour. But when an allegation was made against the Petitioner that he cheated the Department by submitting a bogus certificate. To counter the allegations admittedly no record was placed showing that an enquiry was conducted against the Petitioner for submission of false service certificate, which amounts to violation of principles of natural justice. The Respondent could not produce any record showing that the Petitioner has cheated the Department by filing bogus certificate and it is not known how the Department has come to the conclusion that the Petitioner has filed a bogus certificate. The case of the Petitioner is that he worked as a casual labour from 1-8-89 till he was terminated w.e.f. 1-10-96 and the Petitioner has not pleaded that he worked prior to 1-8-89 as a casual labour. The Petitioner has approached the Assistant Labour Commissioner (C) that he worked for more than 240 days each year and that he approached the Hon'ble Central Administrative Tribunal, Hyderabad to provide him a job. Non-mention of the fact that he approached Hon'ble Central Administrative Tribunal, Hyderabad in his claim statement is of no consequence.

17. It is not the case of the Respondent that the Petitioner was engaged as a daily wage for a specific period in specific work and that Sec. 25F of Industrial Disputes Act, 1947 is not applicable. In fact the Respondent initiated proceedings u/s 25F of Industrial Disputes Act, 1947 by retrenching the Petitioner workman. The Petitioner workman who is a casual mazdoor has put in service for more than 240 days in each year from 1989 to 1996 as such his services cannot be put to an end without following the procedure prescribed u/s 25F of Industrial Disputes Act, 1947. The retrenchment notice issued by the Respondent is in violation of the provisions of Sec. 25F of Industrial Disputes Act, 1947, as such it is liable to be set aside. Therefore, the Petitioner workman will have to be reinstated in his original service on the same terms and conditions in which he was working earlier. It is not the case of the petitioner that he entitle for regularization.

18. For the above reasons, that the action of the Management in terminating the services of the Petitioner Mr. M.V. Nageswar Rao, Ex. casual mazdoor w.e.f. 1-10-96 is illegal and not justified and therefore it is directed that the Respondent should reinstate him to his original position on the same terms and conditions without back wages.

Award passed. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 19th day of May, 2006.

T. RAMACHANDRAREDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner : Witnesses examined for the Respondent :

WW 1 : Sri M.V. Nageswar Rao MW 1 : Sri U. Ramakrishna

Documents marked for the Petitioner

- Ex. W 1: Copy of service particulars of WW1 from 1-8-89 to 31-3-94.
 Ex. W 2: Copy of service particulars of WW1 from 18-7-94 to 31-1-95
 Ex. W 3: Copy of service particulars of WW1 from 1-5-95 to 30-9-96.
 Ex. W 4: Copy of notice of retrenchment.
 Ex. W 5: Copy of minutes of conciliation proceedings.

Documents marked for the Respondent

- Ex. M 1: Copy of representation WW1 dated 29-3-2000.
 Ex. M 2: Copy of service particulars of WW1 from 1-8-89 to 31-3-94.
 Ex. M 3: Copy of OA No. 33/94 on the file of Hon'ble C.A.T. filed by the petitioner.
 Ex. M 4: Copy of letter given by the AGM (Admn.) indicating the list of candidates who were granted temporary status mazdoor, dated 29-6-2000.
 Ex. M 5: Copy of guidelines given by AP Circle Office in connection with grant of temporary status to casual labour.

नई दिल्ली, 6 जून, 2006

का.आ. 2525.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या सी जी आई टी ए-530/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-40012/236/2002-आई आर (डी यू)]
 सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 6th June, 2006

S.O. 2525.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGITA/530/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Superintendent of Post Offices and their workman, which was received by the Central Government on 6-6-2006

[No. L-40012/236/2002-IR(DU)]
 SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT OF
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
 AT AHMEDABAD**

PRESENT:

SHRI B.I. KAZI (B.SC., L.L.M), Presiding Officer
 INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.)

NO. 530/2004

OLD (I.T.C.) No. 04/03

1. The Suptd. of Post Office, Banaskantha Division, Palanpur (B. K.)-385 001.
2. The Chief Post Master General Gujarat Circle, Khanpur, Ahmedabad-380 001

... First party

V/s.

The Org. Secretary, The Association of Railway and Post Employees 15, Shashi Apartment, Nr. Anjee Cinnma Vasna Road, Ahmedabad-380 007.

... Second party

APPEARANCE:

First Party : Shri K. M. Shah

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-40012/236/2002-IR (DU) dated 2-1-2003 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

Whether the action of the management of Supdt. of Post Offices, Banaskantha Division Palanpur in removing the services of Shri Lalaji Suraji Solanki, Ex. EDBPM, Mota BO vide Memo dated 28-12-99 without following the due procedure under the provisions of the I.D. Act, is justified ? If not, to what relief the workman is entitled for ?

2. The second party was issued a notice to file the statement of claim by this Tribunal on 20-3-2003. The date to file the statement of claim was 25-6-2003. The appropriate Government has also directed the second party who has raised the dispute to file statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 2 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of Supdt. of Post Offices, Banaskantha Division Palanpur in removing the services of Shri Lalaji Suraji Solanki, Ex., EDBPM, Mota BO vide Memo dated 28-12-99 is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

B.I. KAZI, Presiding Officer

Date : 16-08-2005
 Ahmedabad.

नई दिल्ली, 6 जून, 2006

का.आ. 2526.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम फैक्ट्री, दियोनार के प्रबंधन के संबंधित निष्पक्षकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. I, मुंबई के पंचाट (संदर्भ संख्या सी जी आई टी-05 ऑफ 2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-40011/28/2002-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 6th June, 2006

S.O. 2526.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-05 of 2003) of the Central Government Industrial Tribunal/Labour Court, No. 1 Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Factory, Deonar and their workman, which was received by the Central Government on 6-6-2006.

[No. L-40011/28/2002-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1.**

PRESENT

JUSTICE GHANSHYAM DASS

Presiding Officer

REFERENCE NO. CGIT-05 OF 2003

PARTIES: Employers in relation to the management of
Telecom Factory (BSNL)

AND

Their workmen.

APPEARANCES :

For the Management : Mr. B. M. Masurkar, Adv.

For the Workman : Mr. M. V. Palkar, Adv.

State : Maharashtra

Mumbai dated, the 22nd day of May, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). *Vide* Government of India, Ministry of Labour New Delhi, Order No. L-40011/28/2002-

IR (DU) Dt. 30-12-2002/7-1-2003. The terms of reference given in the schedule are as follows :

"Whether the action of the management of Telecom Factory, Deonar in imposing the punishment of withholding the increments for a period of two years without cumulative effect to Mr. R. R. Gawde, Planner Gr.-I *vide* order No. ES-5-3/95/1/; S-10479 (5) dated 21-2-1997 is legal and justified? If not, what relief the workman is concerned is entitled to?"

2. *Vide* Corrigendum issued by the Government of India, Ministry of Labour, New Delhi dt. 17-3-2006, Bharat Sanchar Nigam Ltd. has been substituted in the place of Telecom Factory.

3. Admittedly, Mr. R. R. Gawde, (hereinafter referred to as the workman) was a permanent workman of the First Party. It is alleged by the workman that since he was working and was Officer bearer of Rashtriya Telecom Employees and Workers Union, a duly registered trade union functioning and operating in the establishment of the First Party, the Management acted illegally against the rules and procedures and without holding any opportunity of hearing or holding any domestic enquiry punished him by awarding the penalty of stoppage of two increments for no fault of the workman. He was wrongly charged to have behaved rudely and arrogantly with his superiors by using filthy language.

4. The contention of the Management is that the penalty has been awarded in accordance with law since there was no requirement of law for holding a full fledged domestic enquiry. The workman had submitted his reply to the allegations levelled against him which were not found to be satisfactory. The order was passed in accordance with the procedure laid down *vide* Rule 33(3) of Standing Order. The workman had also preferred the appeal and the same was also resulted in dismissal.

5. The only contention to be considered in this reference is as to whether the penalty of imposition of stoppage of two increments without cumulative effect without holding any domestic enquiry is legal and justified.

6. The workman has filed his affidavit in lieu of his examination in chief and he has been cross examined by the learned counsel for the First Party.

7. The Management has filed the affidavit of Shri. P. K. Pawar, Assistant General Manager, (Admn.) and he has been cross examined by the learned counsel for the workman.

8. I have heard the learned counsel for the parties and have gone through the record. I have also gone through the written submissions filed by the parties. The facts are not in dispute. The workman was charged on 5-1-1996 for rude behaviour on 29-12-1995. The workman submitted his reply dt. 22-1-1996. The reply was not considered satisfactory and the final order of stoppage of increment

on 21-2-1997 was passed. The workman preferred the appeal on 26-2-1997 which was dismissed by the concerned Authority on 20th November 1997. The workman made another appeal on 12-1-1998. The second appeal was turned down by the Authority on 3-4-1998, the workman raised the Industrial dispute on 7-12-1998. The Central Government has made the instant reference *vide* order dt. 7-1-2003.

9. The reference cannot be said to be bad on account of any laches on the part of the workman. It cannot be thrown away on the ground that it is a belated one and that the workman slept over his rights. A plea in this regard taken up by the Management does not have any merits.

Rule 33 (3) lays down as follows :

No order imposing any of the penalties specified in clauses (i), (ii), (iii) and (iv) of Standing Order No. 28 shall be made except after :—

- (a) the workman is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to take action, and given an opportunity to make any representation he may wish to make; and
- (b) Such representation, if any, is taken into consideration by the punishing authority.

10. From a bare perusal of the aforesaid Rule this much is clear that full fledged domestic enquiry is required only when the penalty of other than clauses (i) (ii), (iii) and (iv) of Standing Orders 28 is to be awarded to a workman by the Management. The penalty specified under clauses (iv) (ii), (iii) and (iv) relates to Fine, Censure, with holding, except on grounds of inefficiency of increments or promotion and recovery from pay of the whole or part of any pecuniary loss to the Employer.

11. In the instant case the penalty is only for stoppage of two increments without cumulative effect. The penalty cannot be categorized at all as a major penalty and the law is very much clear on this point that no domestic enquiry is required to be held. That being so, the contention of the workman that he has been penalized of stoppage of two increments without holding any domestic enquiry cannot be sustained. The reliance has been placed by the learned counsel for the workman upon a case reported in 1989 Lab. IC 826 Rajasthan High Court in between Jagjiwan Chand and Vs. Rajasthan High Court and Ors. It has been stressed upon again and again that penalty of stoppage of increments amounts to major penalty and hence it cannot be imposed without holding a domestic enquiry. I feel that this contention is devoid of any substance. The ruling (*supra*) does not hold the ratio of law to the extent that the stoppage of two increments without cumulative effect is a major penalty. In fact the Honourable Rajasthan High Court in the aforesaid ruling has held that stoppage of two increments with cumulative effect and thereby debarring a person from promotion amounts to major penalty. At no

stage, the Honourable Rajasthan High Court has held stoppage of increment without cumulative effect amounts to major penalty. No other law is being cited by the learned counsel for the workman before me to show that stoppage of two increments without cumulative effect has been held to be major penalty by any of the Honourable High Court. In this back ground, I find myself unable to agree with the submission of the learned counsel for the workman to hold that stoppage of two increments without cumulative effect amounts to major penalty and hence this has to be set aside since it has been done without holding any domestic enquiry.

12. The workman appears to have been given an opportunity to file the reply against the charge of rude behaviour. The reply made by him was not found to be satisfactory by the Authority concerned and the punishment of stoppage of two increments without cumulative effect was passed in accordance with the law by the Competent Authority. The workman preferred two appeals and both of them resulted in dismissal. It was the subjective satisfaction of the concerned Authority as to whether the charge of rude behaviour and using of filthy language against the superiors was made out. This Tribunal cannot go into the subjective satisfaction of the Competent Authority. It cannot hold that the allegations were not correct and the rule of law or principle of natural justice has been violated in imposing the penalty in question to the workman.

13. No other point is there to consider.

14. Hence, I conclude that the action of the Management in imposing the punishment of withholding increments for a period of two years without cumulative effect to the workman is legal and justified.

15. The workman is not entitled to any relief.

16. The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 7 जून, 2006

का.आ. 2527.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ संख्या 16/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-12011/266/2000-आई आर (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 7th June, 2006

S.O. 2527.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2001) of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial

dispute between the management of Vijaya Bank, and their workmen, received by the Central Government on 6-6-2006.

[No. L-12011/266/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 19th May, 2006

PRESENT

SHRI A. R. SIDDIQUI

Presiding Officer

C. R. No. 16/01

I Party

The Secretary,
Vijaya Bank Employees
Federation, VBEF, 18-22,
Byalappa Building,
Cubbonpet Main Road,
Bangalore.

II Party

The Regional Manager
Vijaya Bank,
VB, Head Office,
41/2, M. G. Road,
Trinity Circle,
Bangalore.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* order No. L-12011/266/2000/IR (B-II) dated 16th February, 2001 for adjudication on the following schedule :—

SCHEDULE

“Whether the Vijaya Bank Employees Federation is justified in claiming absorption of Shri T. G. Ramakrishna, Temporary Peon by the management of Vijaya Bank? If not, what relief the workman is entitled to?”

2. The case of the first party as made out in the Claim Statement, in brief, is that he joined the services of the second party management as Temporary Peon in the year 1991 and worked in its different branches like Kulangana, Chamarajnagar, Nanjangud, Venkatvayana Chatra, Alur and Ravandur and worked continuously in Ravandur branch from 27-9-1997 till 29-2-2000 carrying out permanent nature of work and that he worked continuously for more than 240 days every year. Therefore, the fact that he worked with the management in different branches continuously from the year 1991 till the year 2000 would establish that there was sufficient and permanent nature of the work available with aforesaid branches to continue his services for such a long time; that a letter dated 20-5-1999 written by the Manager, Ravandur branch addressed to the Assistant General Manager, Regional Officer, Mysore would reveal that the branch has not been provided with a

permanent Peon since 1996 and as such Peons on temporary basis were being appointed by the branch continuously and that the first party was appointed as a temporary Peon in the said branch continuously without any break from 17-7-1998 to 6-5-1999 once again making it clear that the first party worked continuously for a period of 240 days and more during the aforesaid period and that there was sufficient work available with the said branch; that the first party also worked with the said branch even after 20-5-1999 till his services came to be terminated w.e.f. 1st March, 2000; that the service conditions of the temporary employees are governed by various settlements between the union and the management and clause 20.7 and 20.8 of the Bipartite Settlement would define the temporary employees. However, in the case of the first party workman there was permanent availability of the work an despite of this his services came to be terminated by the management illegally amounting to retrenchment as defined under Section 2 (00) of the ID Act and since there was no compliance of Section 25 F of the ID Act in terminating his services, the action of the management is illegal and unjust therefore, he is entitled to the relief sought for.

3. The management by its counter statement and in the better part of the Counter Statement has dwelt upon the various settlements came to be entered in to between the management and the union and the procedure adopted by the management bank in the light of the terms of the settlement and the circulars issued by the head office in absorbing the services of the temporary Peons on the fulfillment of the requirement and conditions of their services as per the terms of settlement and the circulars issued by the Management. At para, 3 (iii) the management contended that it was on the basis of the terms of the Bipartite Settlement the branch managers of their Kulagana, Chamarajnagar, Venkatarayanachatra, Alur and Ravandur branches have engaged the services of the first party strictly as a Peon on temporary basis during the leave period/absence of the regular Peon in the said branches on different dates intermittently during different periods as per particulars mentioned below :—

S. No.	Name of the branch	No. of days engaged intermittently on different dates
1.	Kulagana	222 From 31-5-1991 to 29-2-1996 on different dates.
2.	Chamarajnagar	74 From 24-7-1996 to 30-7-1978 on different dates.
3.	Venkatarayana-chatra	12 From 27-1-1997 to 8-3-1997 on different dates.
4.	Alur	19 From 13-2-1997 to 24-5-1997 on different dates.
5.	Ravandur	501 From 27-9-1997 to 29-2-2000 on different dates.
6.	Nanjangud	3 From 19-11-1996 to 21-11-1996.

4. Therefore, it is clear that first party was being engaged during different dates purely on temporary basis and was not appointed under the recruitment rules, his name being sponsored by the Employment Exchange and therefore, he cannot claim permanent employment in the bank as the matter of right. The management also took up the contention that there was no refusal and denial of work to the first party workman amounting to termination and that this was a simple case of discontinuation of engagement of the first party workman on account of non-availability of the work with the bank and therefore, provisions of Section 2 (oo) of the ID Act read with Section 25 F thereof do not attract to the present case and in the result the reliefs sought for by the workman do not survive.

5. During the course of trial, the first party examined himself by filing his affidavit evidence almost reiterating the various averments made in his claim statement and in his further examination chief he got marked 10 documents at Ex. W1 to W 10 series. His further examination chief with reference to the documents is as under :—

"I have worked on Sundays as well as on other Public Holidays. My name was sponsored through Employment Exchange. I have produced the letters as well as other documents at Sl. No. 1 to 7 are marked as Ex. W 1 to W 7. The original Salary Slips 14 in numbers are at Sl. No. 8 are marked as Ex. W 8 series. Xerox copy of the acquittance Roll for period from 27-10-1999 to 29-11-2000 are marked at Ex. W 9 series and the pass books at Sl. No. 10 are marked as Ex. W 10 series."

6. On the part of the management one Mr. D. Ranjan Shetty said to have been working as Branch Manager, Vijaya Bank, Ravandur Branch filed his affidavit evidence by way of examination chief reiterating the various contentions taken by the management in their Counter Statement. In his further examination chief two circulars and six vouchers were marked at Ex. M 1 & M 2 series. I would like to come to their statements in cross examination and documents as and when found relevant and necessary.

7. Keeping in view the points of reference and in the light of the respective contentions of the parties, the only important and a moot question to be considered would be whether the first party proves that he worked for 240 days and more continuously before his services brought to an end by the management on 1st March, 2000. The fact that the first party has been working with the management right from the year 1991 till he was denied work on 1st March, 2000 has remained very much undisputed on the part of the management and the very details given by the management at Para 3 (iii) of the Counter Statement about the services rendered by the first party in the different branches of the management would read to the effect that from 31-5-1991 to 29-2-1996 the first party worked for 222 days from 24-7-1996 to 30-7-1997 worked for 74 days, from

27-1-1997 to 8-3-1997 he worked for 12 days, from 13-2-1997 to 24-5-1997 he worked for 19 days at Kulagana, Chamarajnagar, Venkatarayanchitra and Alur branches of the management respectively and he worked for a total period of 501 days from 27-9-1997 to 29-2-2000 at Ravandur branch of the management and in the meanwhile he worked from 19-11-1996 to 21-11-1996 for 3 days at Nanjangud branch. The statement of the first party that he worked continuously for a period of 256 days from 17-7-1998 to 6-5-1999 apart from working on other days at the above said Ravandur branch has not been controverted or challenged in his cross-examination on behalf of the management. That apart the documents at Ex. W 4 which is the Xerox copy of the letter dated 20-5-1999 written by the said Ravandur branch Manager to the Assistant General Manager, Mysore district relied upon by the first party to speak to the fact that he has been continuously and without break from 17-7-1998 to 6-5-1999 has been working with the said branch as Temporary Peon has not been challenged by the management. In fact as noted above in the affidavit statement of the management witness also there is no denial of this fact deposed by the first party workman in his examination chief and his averments made in the claim statement in that regard. Therefore, one must proceed on the assumption that the first party who worked with the management undisputedly for a period of 501 days from 27-9-1997 to 29-2-2000, during the said period, continuously also worked for a period of 256 days continuously from 17-7-1998 to 6-5-1999. The fact that the first party worked for a period of 501 days during the above said period and in between he worked for a period of 240 days and more from 17-7-1998 to 6-5-1999 has been admitted by the management in the counter statement as well as in the affidavit evidence of MW1 and so also it has been brought out in the very letter of the branch manager of the said Ravandur branch referred to supra at Ex. W4, respectively. There appears force in the contention of the first party that it is sufficient for the workman to establish before this tribunal that at any time before the termination of the services if he satisfied that he worked for 240 days and more in a calendar year then that will be sufficient for the purpose of period of one year service as contemplated under Section 2(oo) of the ID Act. He was also right in submitting that the management purposely have not engaged the services of the first party for a period of 240 days and more in 12 calendar months immediately preceding termination of his services so as to deny him the benefits of services and the rights available to him under the provisions of ID Act. In this connection supporting his arguments, learned counsel relied upon a decision reported in 2002(III)LLJ Delhi page 885.

8. If we go by the principle laid down by their Lordship of Delhi High Court reported in 2002(3) LLJ page 885 the position of law on the point gets much more clear as to what conditions are necessary to fulfill the requirement

of Section 25B of the ID Act. The principle laid down by his Lordship of Delhi High Court at Para 13 and 20 of the decision relevant for the purpose are as under :

“ If the aforesaid object is kept in mind Section 25B cannot be given a restrictive interpretation in so far as the definition of continuous service is concerned. In fact the expression used is 12 calendar months preceding the date and the word “immediately” has not been used. There is force in contention of learned counsel for the petitioners that if only immediate previous calendar months are taken into consideration, it will result in an anomalous situation where an employer will be giving artificial breaks in service for the immediate preceding calendar year and deny the workman the benefit even though the workman has worked for more than 240 days in preceding calendar years though it may not be so in the immediate preceding calendar year. The object of Section 25B is only for the purpose of computation of continuous service and the substantive provision is Section 25F of the Act. The Division Bench of Karnataka High Court in Hutchiah's case (supra) has negatived the contention which is sought to be advanced by learned counsel for respondent No. 2. The view of learned single judge of the Rajasthan High Court in Chief Engineer, Irrigation's case (supra) is also to the same effect.

Petitioners 2 and 3 have worked only for little over 240 days in 1984. In fact the total period worked by petitioners 2 and 3 from 1984 to 1986 when their services were terminated is 581 and 569 days respectively. There is also a passage of time of almost 16 years. For these reasons the principle set out in the aforesaid judgments including of shorter period of time worked and lapse of long period of time since termination would squarely apply to the facts of the present case. Considering the period of time the petitioners have worked and the lapse of time since then I deem it appropriate that a sum of Rs. 50,000 each should be paid to the said workmen in lieu of the payment of back wages and claim of reinstatement. The award of the labour court is modified to the aforesaid extent and the Writ Petition is disposed of accordingly leaving the parties to bear their own costs.”

9. Therefore, from the reading of the aforesaid passages in the decision it can be very well gathered that the object of Section 25B for the purpose of continuous service will be very much achieved if the workman concerned is able to substantiate before the tribunal that he had worked for more than 240 days in preceding calendar years though might not have worked for a period of 240 days in 12 calendar months immediately preceding the termination of his services. His Lordship also referred to the judgement in ‘Mohan Lal's’ case in this context and made it clear that in

the said case much more liberal view was taken by the Apex Court to calculate the period of 240 days moving backward from the date of retrenchment and that period of 240 days need not be only 12 months calendar period so as to attract the provisions of Section 25F of the ID Act. Therefore, in the instant case, the first party has been able to establish before this tribunal that he has worked for a period of about 831 days from the year 1991 to February 2000 and that he also worked continuously for a period of 240 days and more during 1998-99 and therefore, he has very much fulfilled the requirement of provisions of Section 25B of the ID Act and if that were to be the case it can be safely held that the action of the management hit the provisions of Section 2(oo) of the ID Act amounting to retrenchment. The management undisputedly has not complied with the provisions of Section 25F of the ID Act and thereby entailed the said retrenchment to be an illegal retrenchment rather an illegal termination. In the result the action of the management will have to be set aside as illegal and void abinitio.

10. In the normal course when the termination is held to be illegal, the natural consequences to follow would be the reinstatement of the workman. However, in the instant case the first party workman being engaged by the management on temporary basis and as can be read from the evidence brought on record that though he was interviewed for the purpose of absorption of his services, he was not found suitable for the post of Peon on permanent basis. Therefore, even if the first party is to be reinstated in service it will serve no purpose as the management will be at liberty to terminate his services in future in accordance with law. It is in this view of the matter, keeping in view the length of period during which he was associated with the bank services, that a sum of Rs. 60 has been paid as daily wages (read Ex. W1) and the period of about six years passed from the date of his termination so also to taking into consideration the retrenchment compensation amount to be paid to him and other benefit of services, it appears to me that ends of justice will be met if he is paid a compensation in lump sum of Rs. 1 lakh in lieu of his reinstatement and the back wages. Accordingly, reference is answered and following award is passed :—

AWARD

The management is directed to pay a sum of Rs. 1 lakh to the first party by way of compensation in lump sum towards the settlement of his full and final claim against the management. The amount shall be paid within a period of 3 months from the date of publication of this award or else it shall carry interest at the rate of 10 per cent per annum till the realization of the amount. No costs.

(Dictated to PA, transcribed by her, corrected and signed by me on 19th May, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 7 जून, 2006

AWARD

का.आ. 2528.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 64/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/113/2002-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2528.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Syndicate Bank and their workman, received by the Central Government on 6-6-2006.

[No. L-12012/113/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated 23rd May, 2006

PRESENT : Shri A.R. Siddiqui, Presiding Officer

C.R. No. 64/2002

I-Party

Shri Manohara Chandra,
Near Lamp Society, Main Road,
Thihimitiat & Post,
Virajpet Taluk,
Kodagu-571254.

II-Party

The Asstt. General Manager,
Syndicate Bank,
Zonal Office,
P.B. No. 9947
Gandhinagar,
Bangalore-560009.

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order No. L-12012/113/2002-IR(B-II) dated 15th November, 2002 for adjudication on the following schedule:

SCHEDULE

“Whether the management of Syndicate bank is justified in dismissing the services of Shri Manohara Chandra, Clerk w.e.f. 23-10-1998 on the grounds of doing acts prejudicial to the interest of the bank under clause No. 19.5 (i) of Bipartite Settlement? If not, what relief the said workman is entitled?”

2. A charge sheet dated 16-2-1997 came to be issued to the first party workman by the management as under :—

“That you have been working at our Thithirathi branch as Clerk from May 1987 until 5-9-1995 when you were placed under suspension by the competent authority. Prior to the above, you were working at our Chamarajnagar Branch as clerk from 18-7-1986 to 1-4-1987.

That during February 1995 an incident of attempted fraudulent encashment of two DDs at our Gandhibag Branch, Nagpur was reported. The details are as follows :—

On 8-2-1995 the following two demand drafts were presented in clearing for payment at our Gandhibag Nagpur branch:

1. DD 712672/135 dated 16-1-1995 for Rs. 9.85 lakhs favouring ‘J Johns’ purportedly issued by our Bhandara Branch:

2. DD 712673/180 dated 20-1-95 for Rs. 8.94 lacs favouring ‘Jhone Plastics’ purportedly issued by our Bhandara Branch.

The above DDs were presented in clearing by Central Bank of India, Kingsway Branch, Nagpur. They were sent for collection to them by their Avenue Road Branch, Bangalore (i.e. Central Bank of India, Avenue Road Branch, Bangalore). Our Gandhibag Nagpur branch got some doubts about the issuance of the DDs by our Bhandara Branch and sought confirmation over telephone from the said branch. It was confirmed that our Bhandara Branch had not issued the above DDs and thereafter the said DDs were returned to the Central Bank of India, Kingsway Branch, Nagpur (Presenting Bank) in the normal course. The Central Bank of India, Kingsway Branch, Nagpur was also informed by our Nagpur Branch regarding the alleged fraud and they were requested to exercise caution and pass on the message to their Avenue Road Branch, Bangalore so that the culprits could be nabbed.

The DD leaves were later found to be supplied to our Chamarajnagar Branch by HO : Stationery and Records Division. On enquiries with Chamarajnagar Branch the following DD/PO pads were found missing at that branch :

1. MICR DD leaves MDC 712671 to 712680 (10 leaves) with drawee branch name pre printed as Gandhibag, Nagpur.
2. MICR DD leaves MDC 737671 to 737680 (10 leaves) with drawee branch name preprinted as Guwahati Branch.
3. MICR DD leaves MDC 662671 to 662880 (10 leaves) with drawee branch name preprinted as Baroda Mandvi Branch.
4. Pay Order Pad bearing No. 248751 to 248800.

The name and DPD Code seal (rubber stamp) of Chamarajnagar Branch was not affixed on the above DD leaves.

In this connection certain oral enquiries made with you by our officials at DO Mysore during 1995 regarding missing of certain DD leaves at our Chamarajnagar Branch you made voluntary confessional statements dated 28-6-1995 and 29-5-1995 in the presence of two officials at our DO Mysore.

The statement inter alia mentions that:

1. You came into contact with Shri G. Gurumallaiah, Attender of Chamarajnagar Branch when you worked at the said branch during the above mentioned period.
2. You introduced certain outside parties to the said Shri G. Gurumallaiah and induced him to pilfer a few Demand Draft pads and hand it over to them for certain financial consideration.
3. Subsequently Shri Gurumallaiah, Attender, Chamarajnagar Branch had handed over some blank DD pads in a closed cover to the outside parties in your presence.
4. You and the said Shri Gurumallaiah received Rs. 5000 and Rs.50,000 respectively in cash from the outside parties in exchange of the blank DD pads pilfered from the branch and delivered to them.
5. You also collected some sheets of specimen signatures from the records room of Thithimathi Branch and forged/caused to be forged the signatures of Bank's officials in two DD leaves, which were blank and thereafter redeposited the sheets of signature in the records room of the branch.

The above circumstances go to indicate that you in connivance with outside parties abetted Shri Gurumallaiah, Attender of our Chamarajnagar branch and caused pilferage of DD/Pay Order pads from the custody of Chamarajnagar Branch. Further you forged/caused forging of signatures

of Bank's officials in the two demand draft leaves which were later attempted to be encashed at our Gandhibag Branch, Nagpur as stated above. A number of bank DD leaves are still in the custody of the parties best known to you. Your above acts constitute as "Gross Misconduct" as per the provisions of the Bipartite Settlement.

You are therefore, charged with committing gross misconduct of 'doing an act prejudicial to the interest of the Bank' vide Clause No. 19.5 (j) of Bipartite Settlement. You shall continue to be under suspension in terms of suspension Order No. 1742/Suspension dated 5-9-95 issued by the Disciplinary Authority until further orders. You are requested to submitted your explanation, if any, within 15 days of receipt of this charge-sheet."

3. The first party workman submitted his explanation to the said charge -sheet denying the charges of misconduct leveled against him and since in the eyes of the management explanation offered by the first party was not found satisfactory DE was ordered against him and on the basis of the findings of the Enquiry Officer holding him guilty of the charges of misconduct he was removed from service by impugned dismissal order dated 23-10-98.

4. The first party workman by his claim statement challenged the enquiry proceedings (pleadings on DE omitted there being a separate finding on DE Issue) and findings of the Enquiry Officer and the dismissal order passed against him as illegal and unjust. He contended that after having joined the services of the bank in the year 1975 and while he was working as a Clerk in Syndicate Bank at Thithimathi Branch between May 1987 until 5-9-95 he was placed under the orders of suspension, charge-sheet dated 16-4-1997 was issued to him and on the basis of the enquiry findings holding him guilty of the charges he was dismissed from service. While challenging the enquiry findings, the first party contended that for the reason best known to the management there was no joint enquiry conducted against the first party along with one Shri Gurumallaiah who was said to be involved in the alleged misconduct of fraud. Moreover, though the enquiry had been entrusted to the CBI for criminal prosecution but till today there has been no criminal case filed against the first party. He contended that the alleged confessional statements at Ex.M6 & 7 which have been relied upon by the enquiry officer are not the statements made by the first party in the normal course but he was summoned to the Divisional Office, Mysore telephonically and by written order he was relieved from his post for attending the enquiry at Divisional Office at Mysore. He was made to go over to Divisional Office, Mysore a day prior to the alleged confessional statements and on the next day on 28-6-1995 he was handed over to the CBI Officer and after having been assaulted, and forcibly put under wrongful confinement and under pressure and threats, said confessional statements at Ex. M6 dated 28-6-1995 was

forcibly obtained from him and again on the next day morning on 29-6-1995 another statement at Ex. M7 was taken from him under force and duress; that neither the enquiry officer nor the Disciplinary Authority have applied their mind to the so called confessional statements which if read intrinsically go to suggest that the facts therein are stories concocted by the management to suit their purpose of victimizing the first party. Therefore, only conclusion that can be drawn in respect of the said statement is that they are cooked up statements by the management taking the assistance of police i.e. CBI team headed by Shri MV. Ramesh. He contended that no doubt the other witnesses for the management has spoken to the fact of missing of DDs and pay order pads but none of their statements are worthwhile to establish the nexus either directly or indirectly to the first party as by no stretch of imagination the material evidence on record the management has been able to establish the allegations made against him; that the evidence of MW1 said to be important in this case is not relevant and sufficient to connect the first party with the guilt and whereas, the enquiry officer and the disciplinary authority have conveniently ignored the evidence of MW5 speaking to the fact that Security items namely the Specimen Signature, Pay Orders, DDs etc. are preserved and kept and operated by the Joint Custodian of the bank to which the first party has got no access; that the oral evidence of none of the management witnesses is helpful in establishing the guilt of the first party though the fact of missing of DDs and P.O Pads from Chamarajanagar branch has been established in the evidence of the management witnesses and documents. The first party neither directly or indirectly is connected to the incident of missing of D.D. and P.O. pads therefore, the only evidence relied upon by the management in order to hold the workman guilty of the charges are the above said alleged confessional statements and since they have not been made by the first party voluntarily and made under the circumstances stated above, the enquiry officer was not Justified in holding the first party in guilty of the charges. he contended that if the oral evidences of MW1, MW4 & MW5 is excluded not being helpful to speak against the first party, then the only evidence available on record was the alleged confessional statements of the first party and the statements of MW2 & MW3 in whose presence the aforesaid confessional statements have been obtained from the first party. Evidence of MW2 & MW3 cannot be acted upon for the reason that they happened to be the immediate superiors of the first party and in view of certain admissions made by them to the various questions put to them in their cross examination on behalf of the first party. Therefore, the first party contended that neither the alleged confessional statements made by him nor the statements of MW2 & MW3 should have been acted upon by the enquiry officer in holding the first party guilty of the charges and therefore, the enquiry findings suffered from perversity not being supported by sufficient and legal evidence. He also contended that the

impugned punishment order is too harsh depriving him of any back wages, notional increments and consequential benefits and treating the period of suspension as not on duty. He also challenged the order of disciplinary authority as well as the Appellate Authority on the ground that they have acted mechanically without application of judicial mind in agreeing with the findings of the enquiry officer holding him guilty of the charges. Therefore, he requested this tribunal to pass an award setting aside the dismissal order with relief of reinstatement, continuous service and other consequential benefits.

5. The management by its Counter Statement, however, contended that in conducting the DE against the first party principles natural justice were adhered to giving reasonable opportunity to the first party to take the assistance of a legal practitioner. The management contended that there was sufficient and legal oral as well as documentary evidence apart from the above said confessional statements made by the first party enabling the enquiry officer in submitting his findings holding the first party guilty of the charges. The management contended that the above said Confessional Statements were made by the first party voluntarily in the presence of officers of the management bank and not under threats and duress or under any pressure as tried to be made out by the first party in his Claim Statement. The management also contended that the enquiry officer as well as the Disciplinary authority have considered the material brought on record applying their mind judicially and have rightly come to the conclusion that the above said statements were the voluntary statements of the first party corroborated by other evidence brought on record to establish the charges of misconduct against the first party. Therefore, the management contended that the findings of the enquiry officer have not suffered from perversity and that the order of dismissal is just and legal.

6. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the enquiry proceedings, this tribunal by order dated 25th August 2004 framed the following Preliminary Issue:—

“Whether the Domestic Enquiry conducted against the first party by the Second Party is fair and proper?”

7. During the course of the trial of the said issue the management examined MW1, the enquiry officer and got marked documents at Ex.M1 to M8 and the first party having examined himself as WW1 and got marked 3 documents at Ex.W1 to W3.

8. After having heard the learned counsels for the respective parties, this tribunal by its order dated 6th December 2005 recorded a finding to the above said issue holding that the Domestic Enquiry conducted against the first party by the Management is fair and proper.

Thereupon, the case came to be posted for hearing on the point of perversity of the findings and quantum of the punishment.

9. The argument advanced for the first party to put in nut shell is that there was no sufficient and legal evidence much less any evidence implicating the first party for the charges levelled against him except the alleged voluntary statements at Ex.M6 & M7 and the evidence of MW2 & MW3 to speak to the fact that those statements were recorded by them given by the first party voluntarily and that those so called voluntary statements and the evidence of MW2 & MW3 could have not been acted upon in view of the defence taken by the first party that they were made under threats and pressure in the presence of CBI officer and in the light of the very contents of those statements and the circumstances surrounding in recording those statements. He submitted that the case of abetment of stealing the DDs in question by said Gurumallaiah has not been proved by any independent evidence either oral or documentary and there is also no evidence produced to suggest that the first party collected some sheets of specimen signatures of the officials of the bank from the records room of Thithimathi branch and forged them under the signatures of those officials and thereafter re-deposited the sheets of signature in the records room of the branch. As the management did not produce any such bank officials to speak to the fact that his signatures were forged on the DDs. As far as the statement of MW1, said to be Investigation Officer in this case, learned counsel submitted that he is just a story letter and also banks upon the aforesaid alleged confessional statements in coming to the conclusion that the first party committed the misconduct alleged against him. Moreover, his statement in the examination chief goes against the charges of misconduct levelled against the first party in saying that it is the first party who had stolen and pilfered the DDs with the collusion of said Gurumallaiah and not the vice versa as alleged by the management. He also took support of the statements of MW1, MW2, MW3 and MW5 in support of his argument.

10. Learned counsel for the management on the other hand vehemently argued that evidence of MW1 to MW5 and the documents at Ex.M1 to M5 would establish the fact of missing of the DDs in question from the Chamarajanagar branch and the evidence of MW2 & MW3 would substantiate the fact of the voluntary statements given by the first party recorded by them, personally. He submitted that the first party having admitted the statements made by him at Ex. M6 & M7 before MW2 and MW3 has not substantiated the defence taken by him that he made them under threats, duress and pressure and therefore, there was justification on the part of the enquiry officer in acting upon the statement of MW2 & MW3 and the Statements at Ex.M6 & M7 in coming to the conclusion that the charges levelled against the first party have been

proved. I would like to refer to some other contentions taken by the first party as well as by the management as and when found relevant and necessary. In order to find out as to whether there was sufficient and legal evidence to prove the charges of misconduct levelled against the first Party and that the findings of the enquiry officer suffered from no perversity let me in the first instance bring on record what was the oral and documentary evidence pressed into service by the management during the course of enquiry.

11. The first witness for the management MW1 is said to be the investigation officer and he speaks to the fact of investigation made by him with Chamarajnagar branch with the regard to the missing of the DDs from the said branch and he after having referred to the aforesaid confessional statements arrived at the conclusion that the first party with the collusion of said Gurumallaiah had stolen the DDs in question which were later on forged and tried to be encashed. The next two witnesses for the management are MW2 & MW3 who worked as Officer and Dy. Divisional Manager at the Divisional Office, Mysore and said to have recorded the aforesaid confessional statements of first party under the instructions of Divisional Manager. Their gist of evidence in examination chief is that they have recorded the statements of first party on 28-6-1995 and 29-6-1995 at Ex. M6 & M7 respectively under the instructions of Divisional Manager and those statements were given by the first party voluntarily. MW4 is the then manager, Chamarajnagar branch who speaks to the fact that he wrote a letter at EX.MEX-1 on 23-2-1995 to the DGM, Zonal Office, Bangalore routed through DMDO, Mysore in respect of missing of security items. While speaking to other four documents at EX.MEX-2 to MEX 5 he has stated that the missing DDs (DD leaves) were the part and parcel of DDs supplied to Chamarajnagar branch vide packing note No. 0268 dated 22-11-1998 [MEX 1 (a)]. The last witness for the management is MW5 who is the then Assistant Manager in Chamarajnagar branch from May 1991 to May 1995 and was working as Joint Custodian on temporary basis. She also identified EX.MEX 1 and the circulars at EX.MEX 2 & 3 in respect of missing DD pads and pay order pad. He also identified MEX-4&5, which are part of the DD leaves received at Chamarajanagar branch and thereafter they being removed fraudulently from the said branch.

12. As noted above, the documentary evidence produced by management is the above said five documents at EX.M1 to M5 speaking to the fact of receipt of the DD leaves and P.O Pads by the Chamarajanagar branch and photo copies of the circulars and photo copies of the DDs in question. The other two documents namely EX.M6 and M7 are the alleged confessional statements relied upon by the management in the enquiry. Now, therefore, the evidence produced by the management in the statements of MW1, MW4 and MW5 and the documents at MEX 1 to

MEX 5 is to establish the fact of the missing of DDs in question, forged and attempted to be encashed which fact has not been disputed by the first party workman. Therefore, the management in the said evidence and in the light of the stand taken by the first party has been able to establish the fact that the DDs in question were stolen or removed from the Chamarajanagar branch and thereafter there was an attempt on the part of the outsiders of the bank in getting them encashed with the amount mentioned therein. As far as the charge leveled against the first party that he colluded with Gurumallaiah or Gurumallaiah colluded with the first party in removing these DD leaves from the Chamarajanagar branch in order to oblige some outsiders and handed them over to those outsiders against some consideration is concerned the above said oral evidence of MW1, MW4 and MW5 and the documents at MEX 1 to 5 will not be helpful to the prosecution in establishing the above said charge. The management has leveled the charge of abetment against the first party alleging that he colluded with Shri Gurumallaiah at the instance of the outsiders of the bank and Gurumallaiah removed those DD leaves from the branch and then handed them over to the outsiders of the bank receiving consideration of Rs.50,000/- and first party received Rs.5,000/- in obliging those outsiders. This charge of abetment has not been substantiated by the management much less the role played by the first party in collusion with Gurumallaiah in getting those DD leaves removed from the said branch. As noted above, testimony of MWs 4 & 5 as the then Manager and the then Assistant Manager respectively is only to the effect of missing of the DDs from the branch not speaking a single word that those DD leaves were removed from the branch by said Gurumallaiah much less with the Collusion of the first party. Statement of MW1 is again of no help to the management to implicate the first party on this count. In his cross examination it has been elicited that he neither met Shri Gurumallaiah nor the first party during the course of investigation much less recording their statements. He says that Gurumallaiah avoided him and whereas, he met first party subsequent to the investigation. Therefore, the testimony of MW1 also is of no use to establish the allegation that either the first party colluded with Gurumallaiah or Gurumallaiah colluded with first party in removing the DD leaves from the said branch. In fact as pointed out on behalf of the first party in the last paragraph of his statement in examination chief, MW1 goes against the very charge of misconduct of removing the DD leaves from the said branch made by the management itself. Here he concluded to say that the first party had stolen/pilferaged blank DD leaves from Chamarajanagar branch in collusion with Gurumallaiah sub staff of the branch offering him a monetary gain with the connivance of the 3rd parties. Whereas, as noted above, the charge against the first party is that he colluded with from Gurumallaiah and it is Gurumallaiah who had removed the DD leaves from the Branch. As far as the documentary evidence at EX. MEX-1 to 5 is concerned it is again speak to the fact of missing of

the DDs from the Chamarajanagar branch. Therefore, if we exclude the oral testimony of MW1, MW4 & MW5 and the documents at EX. MEX-1 to 5 then the only evidence which remains on record to prove the charges leveled against the first party will be his alleged confessional statements and the oral testimony of MW2 and MW3 which evidence has been taken to be legal and sufficient by the learned Enquiry Officer to prove the charges of misconduct against the first party. In order to appreciate the veracity of the aforesaid statements, it is worthwhile to bring them on record running as under :

“Statement of Shri Manoharchandra made on 28th June, 1995 at 7.45 PM, I was working at Chamarajanagar during 1986-1987 on temporary transfer from Oderapalya Branch. I came into contact with Shri C. Gurumallaiah who was also working at Chamarajanagar Branch as an attender. In 1987 I was transferred to Thithimathi branch. As Nagavalli village in Chamarajanagar taluk was my native place. I used to visit frequently to look after my parents/ personal work.

During Janaury 1995 Mr. Sudhakar (My sister's son) came and enquired whether I knew any bank people intimately. For this I had replied that one Shri C. Gurumallaiah Attender of Chamarajanagar branch is known to me. Then he requested to introduce him. Afterwards, we both went to Chamarajanagar and called Shri C. Gurumallaiah through a boy and agreed to meet after office hours. In the evening all the three of us went to a bar and had drinks except me. During the course of this meting, Mr. Sudhakar lured Shri C. Gurumallaiah to any extent if he could a favour. For this, Shri C. Gurumallaiah agreed and asked Rs. 2,000/- but since I did not have money Mr. Sudhakar gave him Rs.200. After taking further drinks at the bar I dropped Shri C. Gurumallaiah to his house in our car as he was too much drunken. The favour asked by Sudhakar was getting DD pads from Chamarajanagar Branch.

Next week somewhere on Monday when I was at Chamarajanagar, Shri Sudhakar and one Mr. Narayan, came to Chamarajanagar by car and asked me to get in touch with Shri C. Gurumallaiah. At about 2.30 PM I sent a boy to Chamarajanagar branch asking him to meet us at Travellers Bungalow with the DD pads. Shri C. Gurumallaiah came by cycle and met all of us. Mr. Gurumallaiah gave the DD pads in a cover to Sudhakar who in turn gave it to Mr. Narayan. In turn, Shri Sudhakar requested Shri Gurumallaiah to meet him in the evening near Polytechnic. At about 5.30 PM Gurumallaiah came to the above spot and met us. Mr. Sudhakar took Rs.50,000/- from Mr. Narayan and gave it to Mr. Gurumallaiah. I requested Mr. Sudhakar to give some money for me also for having arranged all these things. At my request, Mr. Sudhakar gave

me Rs. 5,000/- and was warned by both Mr. Sudhakar and Mr. Narayan of dire consequences in the event of any divulgence of this information to anyone. Then Mr. Narayan and Mr. Sudhakar left by car leaving me. Then I followed Mr. Gugumalliah who left a little bit earlier and requested him to give me Rs. 10,000/- as a hand loan which would be returned to him after availing Demand Loan. He agreed and gave me Rs. 5,000/-.

After about 8 days, Mr. Sudhakar contacted me at Thithimati and requested me to go with him to meet Mr. Narayan at Mysore. I met Mr. Sudhakar and Mr. Narayan at the latter's house at Mysore. Mr. Narayan offered me one or two lakhs of rupees if I would forgo two bank officers signatures in the demand draft. I agreed to do this and went to Thithimati branch and collected some sheets of specimen signature in the record room (old). Then I went to Mysore and met Mr. Narayan at his residence and forged the two officers signatures on two demand drafts leaves which were blank. Later the drafts were filled in by Mr. Sudhakar, but I do not know the exact amount and other details. I then replaced the specimen signature sheets in Thithimati branch old record room, M/s. Sudhakar and Narayan have not paid any amount to me for this job but warned me against divulgence and of the consequences.

I later learnt that the remaining unused demand draft leaves were returned to Mr. Gurumalliah at Chamarajanagar by Mr. Sudhakar. The rubber stamps used in the forged drafts were made jointly by Mr. Sudhakar and Mr. Narayan at Mysore somewhere in a shop at landsdowns building. I have no knowledge of other missing DD leaves of Chamarajanagar branch.

Other than this, I have no knowledge of involvement in respect of the draft forged/stolen at Thithimati branch during November 1994. I confirm that Mr. Sudhakar used to come to Thithimati branch periodically to meet me and other colleagues and I very well remember that he had come on 7th November, 1994 to Thithimati branch.

Now I am making this submission at my own will and without anybody's coercion or persuasion or pressure for doing so. I once again confirm and put my signature after duly reading the statement recorded and only after fully understanding the contents. I hereby confirm that the statement is in order and depicts my deposition correctly."

"Statement of Shri Manoharchandra made on 29th June, 1995 at 12.00 noon.

I have been working at Thithimati branch since May 1987. I was working in cash section since November 1994. Mr. Sudhakar used to frequently visit Thithimati

and meet at the branch as well as in my house. He used to enquire me whether I am able to give a few blank DD leaves. I was flatly rejecting the offer stating that these are security items and are not easily accessible to me. Since I rejected the offer, he challenged that he would himself get the leaves from the branch. On 7th November 1994 at about 10.30/10.45 AM, he called me through the side window of the cash cabin. Since I was busy I asked him to meet sometime later. Again at about 1.30 PM Mr. Sudhakar again entered the bank. At that moment all the staff members except me were taking their lunch in the staff room. Mr. Sudhakar came inside the counter, and picked up some papers along with a DD leaf from the DD counter and hid inside his pocket. When I enquired him as to what he took from the counters, he arrogantly replied that he took something and who I was to ask him. The missing of the blank demand draft leaf was noticed only the next day i.e. 8th November 1994 by Mrs. K. Bhavani, Clerk, working in the DD Section. The loss of the blank DD leaf was informed to the Manager and in turn to the Controlling Offices. At this juncture, I realized that what Mr. Sudhakar took the previous day might be the same DD leave. But due to the fear and warning of dire consequences of Mr. Sudhakar, I did not dare disclosing this to anyone. About 8 to 10 days later, Mr. Sudhakar at about 9.55 A.M. came to the branch. At that moment the branch was yet to commence its business hours. Mr. Sudhakar set in front of the Mrs. Devamma's counter and instantly took some rubber stamps and embossed on the DD leaf. There were only three rubber stamps one being for bank seal and the other two being Mrs. Devamma's name and number seal and a transfer seal. At this moment, I was standing near SB Section which is close to Mrs. Devamma's table. When I enquired, Mr. Sudhakar replied that he wanted to open an account and when I offered him account opening form he said that it was not required then. But at that moment I was unable to make out whether DD leave was filled in or not. Apart from the above, I have no role either in forging the DD or filling up the DD, or supplying the specimen signature of the Thithimati branch officers. I only came to know the fraudulent use of the DD leaf and encashment when a telegram was received by the branch during April 1995.

I have not received or offered any sum of money in this respect except a warning of dire consequences if I divulged the information by Mr. Sudhakar.

I have given the facts and having given this I am afraid that Mr. Sudhakar and his gang may attempt on the life of self and other family members. I solicit your protection in this regard.

Now I am making this submission at my own will and without anybody's coercion or persuasion or pressure for doing so. I once again, confirm I put my signature after duly reading the statement recorded and only after duly understanding the contents. I hereby confirm that the statement is in order and depicts my deposition correctly."

13. As noted above, it is the case of the first party that he made them under threats and pressure in the presence of CBI officer being summoned to Divisional Office, Mysore. It is the case of the management that he after having visited the Divisional Office, Mysore and voluntarily made those statements. The fact that the first party was summoned to Divisional Office, Mysore on telephonically message being received from his office at Thithimati branch on 27-6-1995 itself and was made to attend Divisional Officer on 28-6-1995 to make his statement at about 7.30 PM, statement at Ex. M7 at 11.30 on 29-6-1995 is not disputed and cannot be disputed in the light of the documents produced by the first party D1 to D4 in the enquiry and in the light of the very statement at Ex. M6 showing the timing of the statement and the date on which it was given. Therefore, the fact that the first party was summoned to the Divisional office and it is under the instructions of the Divisional Manager, the other two officers of the bank have recorded the statement would lend support to the contention of the first party that the statements made by him were at the result of pressure and force used against him. It cannot be said that first party made voluntary statements under the above said circumstances. Even otherwise the statements given by the first party to his immediate superiors that too under the instructions of the head of the department cannot carry much more value and weight than the statement of any accused recorded by the Police in a criminal prosecution. Moreover, when these were the voluntary statements of the first party then it is yet to be explained by the management as to what made it not to act upon those statements immediately thereafter or within a reasonable time thereafter. They are said to be made in the month of June 1995 and whereas, the management comes into action in issuing to the charge sheet to the first party in the month of February 1997 after the lapse of 2 years of period basing the above said charge sheet mainly on the above said statements. It is also not explained satisfactorily in the statements of MW2 & 3 as what made them to record the statements of first party in English language being typed on the spot with the help of the Typist when it has come in their evidence that the first party knew Kannada as well as English Languages and was giving his statement in both the languages. It also appears to be un-natural when MW2

& 3 said that it is both of them together have translated the statements of MW1 getting them typed. The next important thing to be considered in this respect is the fact that the management relied upon both the above said statements while issuing the charge sheet, the investigation officer also relied upon those statements in drawing his conclusion and then the learned enquiry officer also relied upon both the statements in coming to the conclusion that on the basis of those statements charges have been proved against the first party. There is no surprise when the Disciplinary Authority and the Appellate Authority also acted upon those statements in holding the first party guilty of the charges. But if we pursue the statement at Ex. M7 said to have been made by the first party, it is not understandable as to how this statement can be taken help of the management rather by the learned enquiry officer in proving the charges of misconduct against the first party. The statement at Ex. M7 as could be read is with regard to the incident taken place in the month of November 1994 for forging some DD and encashment of the DDs alleged to have been taken place by one Mr. Sudhakar. There is no charge against the first party with regard to his past misconduct much less about the forgery of the said DD or his involvement in encashment of the said DD in the charge sheet issued to him. Therefore, as argued for the first party there has been lack of proper appreciation of the evidence and lack of application of the mind of the learned enquiry officer and then by other authorities in taking into consideration the above said statement at Ex. M7 in proving the charge of misconduct leveled against the first party. Statement at Ex. M7 is not an evidence in the eye of law as far as the charges leveled against the first party and when such a statement is found basis for proof of charges of misconduct against the first party then the only inference to be drawn is that the enquiry officer has not considered properly the evidence led by the management during the course of enquiry and that his findings based on the statements in Ex. M 6 & 7 in establishing the charges of misconduct against the first party is without through reading the contents of those documents and appreciating them in their proper perspective. If we ignore the statement at Ex. M7 as no evidence to connect the first party with the charges leveled against him then comes the statement at Ex. M6. Here again the learned enquiry officer nowhere in his findings has referred to any part or portion of the statement as proving the charges of misconduct against the first party. He never discussed or assigned his reasonings as to which portion of his statement actually proves the charges either in removing the DD leaves from the said Chamarajanagar branch or in forging the said DDs with the help of the specimen signature of the officials of the bank. As in the case of the Investigation Officer, it

appears the learned Enquiry Officer also blindly acted upon Ex. M6 & M7 as gospel truth to hold that the first party committed the misconduct. The fact that he acted upon the statement at Ex. M7 not knowing how does it help to prove the charges of misconduct would lend support to the contention of the first party that he neither looked into Ex. M7 nor looked into the contention of Ex. M6 in jumping to the conclusion that they proved the charges of misconduct. Moreover, the above said statement in Ex. M6 cannot be conclusive proof of the matter unless recitals therein were corroborated by some direct circumstantial evidence particularly, when it was to be given due credence after a gap of more than 20 months from the date it was made. Further more it was not the statement given before any competent authority viz. before the Investigation Officer, before the Enquiry Officer or before the Disciplinary Authority. Therefore, it should not have been found basis to prove the charges of misconduct against the first party as a conclusive proof of the matter.

14. Coming to the statements of MW 2 & 3 which have been relied upon by the Enquiry Officer to show that Statements at Ex. M6 & 7 have been given by the first party voluntarily. It was rightly argued for the first party that they being, the officers of the bank being interested in the management, their testimony shall have to be discarded as self-serving and motivated. These officials of the bank were expected to give the evidence in favour of the management and it is not safe for this tribunal to act upon their interested evidence to say that the first party gave the statements voluntarily and they have recorded them, that too, under the circumstances narrated above. Therefore, as argued for the first party when the learned Enquiry Officer relied upon the statement of Ex. M7 along with the statement in Ex. M6 to come to the conclusion that they proved the charges of misconduct against the first party, then it goes without saying that his findings suffered from perversity. He considered the statement at Ex. M7 as an evidence which in fact was not an evidence in the eye of law as far as charges levelled against the first party is concerned. As noted above, in the evidence of the management first part of the charge sheet that the first party abetted Gurumallaiah in removing the DD leaves from the Chamarajanagar branch has not been proved except to prove the fact of missing of the DD leaves from the said branch. The second part of the chargesheet was to the effect that it is the first party himself who removed some sheets of specimen signatures from the records room of Thithimathi branch, forged them or caused them to be forged with the signature of the bank officials and thereafter kept those specimen signatures back in the records room. To prove this charge, the management again took the help of very same statements of the first party, not producing any independent evidence. It is yet to be explained by the

management as to whose signatures actually were forged by the first party on the aforesaid two DDs. The best and competent witness to speak to the said fact would have been the very bank officers whose signatures said to have been forged by the first party on the DDs in question. Moreover, if we go through the statement of MW5 in his cross examination it can never be believed that the first party as a Clerk had an access to those specimen signatures or the rubber stamp used by him in forging the signatures of the bank officials on DDs, they being kept in joint custody of the Assistant Manager and the Manager of the bank under a double lock system and the keys of those double locks being with the custodian. Therefore, in the light of the above, I am of the considered view that there was no sufficient and legal evidence to hold the first party guilty of the charges of misconduct levelled against him and that the findings of the Enquiry Officer suffered from perversity. Therefore, they are liable to be set aside and in the result the order of dismissal passed by the Disciplinary Authority and confirmed by the Appellate Authority are also liable to be quashed as illegal and void ab initio. Therefore, in the light of the aforesaid findings, the first party will be entitled to be reinstated in service.

15. Coming to the question of payment of back wages, there is no evidence produced by the management to suggest that the first party has been gainfully employed during the period he was away from the service of the management. Similar is the case of the first party as he has also taken no pains to lead any evidence much less to enter into witness box to show that he has been without any employment after being dismissed from service. It also cannot be said that the first party has been idling his time without earning his livelihood since from the date he was out of the service. Therefore, keeping in view the laches both on the part of the management as well as on the part of the first party on the point of gainful employment or otherwise of the first party it appears to me that ends of justice will be met if he is reinstated in service with 60 per cent of back wages from the date of dismissal till the date of reinstatement with all consequential benefits including the continuity of service. Hence the following Award:

AWARD

The reference is partly allowed and the management is directed to reinstate the first party into its service with 60 per cent back wages from the date of termination till the date of reinstatement with continuity of service and all other consequential benefits. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 23rd May, 2006.

A. R. SIDDIQI, Presiding Officer

नई दिल्ली, 7 जून, 2006

का.आ. 2529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट (संदर्भ संख्या 5/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/336/1992-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2529.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/93) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 6-6-2006.

[No. L-12012/336/1992-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 25th May, 2006

PRESENT : Shri A.R. SIDDIQUI, Presiding Officer

C.R. No. 5/93

I Party

The General Secretary,
Vijaya Bank Employees Assn.
No. 67, 2nd Floor,
Shanthinagar,
Bangalore

II Party

The Chairman and
Managing Director,
Vijaya Bank, H.O., Trinity Circle,
M.G. Road,
Bangalore

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/336/92-IR (B-II) dated 19-1-1993 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Vijaya Bank in terminating the services of Shri Ramakrishna Shetty, a Clerk, Mudigere Branch of the Bank is justified? If not, to what relief he is entitled?”

2 This dispute is espoused by the General Secretary, Vijaya Bank Employees Association, Bangalore. The concerned workman is one Ramakrishna Shetty. During January 1985, this workman was working as a Clerk in Mudigere Branch of Second Party Bank. On 15-2-1985 this workman came late to the Bank. When he was questioned by the then Branch Manager, it is alleged that this workman assaulted the Branch Manager by using abusive language. On the complaint made by the Branch Manager to the higher authorities a pre-enquiry was conducted and the workman was kept under suspension immediately. A police complaint was given against the workman at Mudigere Police Station on 16-2-1985. The police after investigation have filed a chargesheet and later it was registered in CC 325 of 1985; that the management have also issued a chargesheet dated 11-5-1985 as per Ex. M1(a). Since the reply of the workman to this chargesheet found unsatisfactory, the management have decided to conduct a departmental enquiry and appointed a senior Manager as an Enquiry Officer as per Ex. M1(c). In view of the fact that the case against this workman before the criminal court was pending, the domestic enquiry appears to have been stopped for the present. The criminal case was decided on 28-5-1988, the workman was acquitted of the charges leveled against him by the judgment dated 28-5-1988 by the learned JMFC Mudigere; that after conclusion of the criminal case the management proceeded to hold the domestic enquiry, independently, on the charges leveled against him under Ex. M1(a); that the Enquiry Officer after giving due notice of enquiry has proceeded to hold the enquiry in accordance with law. Both the management and the workman were represented by the representatives. After doing some preliminaries the enquiry was continued. Management examined 11 witnesses in support of the charges. 22 documents marked as management exhibits. The workman examined 4 witnesses and two documents were marked as defence exhibits. The management Representative and Defence Representative submitted their written briefs. The Enquiry Officer gave his findings on 2nd February, 1989. He gave his findings that both charge No.1 and Charge No. 2 are proved and therefore, this workman committed a gross misconduct under clause 19.5(c) and (j) of Chapter XIX of the Bipartite Settlement 1966. This finding was accepted by the Disciplinary Authority and the representation made by the workman both oral and documentary were not accepted by the Disciplinary Authority. The Disciplinary Authority pass an order as follows:—

“The services of Shri B. Ramakrishna Shetty, Code No. 8713, Clerk (under suspensions) Mudigere Branch are hereby terminated with 3 months pay and allowances in lieu of notice with immediate effect.”

The appeal filed by the workman to the Appellate Authority against this order came to be dismissed.

3. The preliminary issue with regard to the validity and fairness or otherwise of the enquiry proceedings in view of the respective contentions of the parties was framed and after recording the evidence on the said issue and

hearing the learned counsels for the respective parties, my learned Predecessor by his order dated 15-3-1999 answered the said issue in favour of the management holding the enquiry as fair and proper. Thereupon, the case was posted for hearing on the points of perversity of the findings and the quantum of the punishment.

4. In his Claim Statement the first party workman challenged the enquiry findings and the dismissal order passed against him on the ground that on the complaint filed by the management with the police on the very set of charges levelled in the charge sheet, he has been acquitted by the Munsif, JMFC, Mudigere vide order dated 28-5-1988 therefore, the bank having taken steps to prosecute the employee or to get him prosecuted for an offence, the bank cannot issue any charge sheet and initiate disciplinary proceedings unless the workman is not put on trial within one year or until the authority refuses to do so or come to the conclusion that there is no case of prosecution. Therefore, the charge sheet issued against him is *void ab initio* and the order of punishment is illegal particularly, when the acquittal order passed in his favour has become final there being no appeal filed by the management challenging the said order. He contended that even otherwise the findings of the enquiry holding him guilty of the charges suffered from perversity as there was no sufficient and legal evidence brought on record to hold him guilty of the charges. He contended that there were 11 witnesses and about 22 documents were produced by the management and out of them 7 alleged eye witnesses to the incident of assault committed by the first party have not been supported the management and most of them have been declared hostile. In no uncertain terms they have denied their alleged statements made before the Investigation Officer. The testimony of other three witnesses namely, MWs 8, 9 & 10 could not have been acted upon as the names of MW was not listed in the list of witnesses and whereas, the statement of MW 10 was not helpful to the management to substantiate the charges levelled against the first party. The first party further contended that the evidence of MW11 who is the complainant in the case being self serving and not supported by independent evidence was not sufficient and convincing to connect the first party with the guilt. He contended that evidence of the complainant and MW9 also could not have been acted upon as their evidence during the course of criminal prosecution has not being relied upon by the criminal court resulting into the acquittal of the first party who was facing the same charges as made out in the charge sheet. Therefore, he contended that findings of the Enquiry Officer suffered from perversity and the order dismissing him from service is unjust and illegal and therefore, he is entitled to the relief of reinstatement, back wages, continuity of service and holding that the dismissal order passed against him is liable to be set aside.

5. The management by its Counter Statement however, asserted and maintained that the order of acquittal in favour of the first party is no bar for the management to initiate the

enquiry proceedings under the provisions of the Bipartite Settlement i.e. 19.3(c) and under the provisions set out in clauses 19.11 and 19.12 of the Bipartite Settlement, 1966 particularly, when the workman was acquitted on technical grounds on criminal charges. The management further contended that there was sufficient and legal evidence in the statements of MWs 8 to 11 to substantiate the fact of incident and the charges of misconduct levelled against the first party and the statements of the three defence witnesses made before the Enquiry Officer denying the incident on hand were rightly ignored and rejected by the Enquiry Officer. The management contended that the statement of the complainant in his cross-examination has been corroborated by the evidence of MW9 and therefore, the findings of the Enquiry Officer holding him guilty of the charges on the basis of the evidence brought on record and therefore, there is no perversity and in the result the order of dismissal passed by the Disciplinary Authority having taken into consideration the material brought on record and the explanation offered by the first party is legally justified and punishment of termination was proportionate to the gravity of the misconduct committed by the first party. The management contended that after proper analysis of the evidence Enquiry Officer has rightly come to the conclusion that charges framed against the workman are proved and therefore, order of termination passed by the management is just and legal.

6. As noted above, after recording the findings in favour of the management on the Preliminary Issue holding that the Domestic Enquiry conducted against the first party is fair and proper my learned predecessor after having heard the learned counsels for the respective parties as noted above, passed an award dated 8-6-1999 dismissing the reference holding that the action of the management in terminating the services of the first party workman was justified. Aggrieved by this award the first party preferred a Writ Petition No. 2656/00 and his Lordship of Hon'ble High Court vide order dated 9-8-2005 set aside the award in question and remitted the matter back to this Tribunal making following observations in Para 6 of the order :

"From the aforesaid discussion it is clear that the Labour Court is of the view that out of 11 witnesses, 8 witnesses did not support the case of the management and on identical grounds though a competent Criminal Court acquits the petitioner by itself is not sufficient to hold misconduct is not proved. But, the Labour Court was under an obligation to consider the material on record and find out whether the misconduct is proved from the material on record. Apart from recording a finding whether the finding recorded by the Enquiry Officer is perverse or not, there is a statutory obligation cast upon the Labour Court under Section 11A of the Act to record a finding whether the misconduct is proved from the material on record. It is more so when there is an acquittal order and 8 out of 11 witnesses have turned hostile. The Labour Court ought to have referred to that evidence which was available on record which satisfied the Labour Court to come to

the conclusion that the misconduct is proved. The Labour Court has not approached the issue involved in the case from that angle. Because the domestic enquiry was held to be fair, proper and when the law regarding the importance to be given of acquittal in a criminal case is well settled and in the absence of any evidence of victimization it proceeds on the assumption that the misconduct is proved. It is totally erroneous and does not satisfy the requirement. In that view of the matter, I do not propose to consider the validity of the order passed by the Labour Court on the question of domestic enquiry and the said question can be gone if and when the ultimate order in the Labour Court goes against the petitioner and it is always open to him to challenge the same. Similarly, I am not going into the other questions which are raised which are of legal nature as those ground could be urged before the Labour Court by the petitioner. Under the circumstances, the proper course would be to set aside the order of the Labour Court, remand the matter to the Labour Court for fresh consideration on merits in the light of the observations made above. Hence I pass the following order :

- (a) The finding recorded by the Labour Court on the question of preliminary point is not disturbed, reserving liberty to the petitioner to challenge if and when occasion arises.
- (b) The entire matter is remitted back to the Labour Court with a direction to the labour court to restore reference Cr. No. 5/93 to its original file and find out from the material on record whether the misconduct alleged to be proved against the petitioner is really proved or not and then to pass appropriate orders keeping in mind the observations made above and the statutory provisions as contained in Section 11A of the Industrial Disputes Act.
- (c) The Labour Court is also directed to consider other legal issues which are to be urged before it by the petitioner."

7. After the remand both the parties were represented through their respective counsels. Both of them have submitted their written arguments on merits of the case and learned counsel for the Second Party in support of his argument cited the following four decisions :

- (a) 2005 LLR 260
- (b) 2005 LLR 1085
- (c) 2005 LLR 420
- (d) 2005 LLR 1137

8. In his written arguments once again it was argued for the first party that out of the 11 witnesses, 7 witnesses have not supported the case of the management and therefore, findings of the Enquiry Officer holding the workman guilty of the charges based on self serving testimony of the complainant and the testimony of MW9

holding him guilty of the charges was bad in law, suffering from perversity. He also submitted that there was absolutely no reason for the Enquiry Officer not to act upon the defence of the first party supported by 4 witnesses working with the management bank said to have been present at the premises when the incident took place. They have categorically denied the incident much less the incident of assault as alleged against the first party. Learned counsel referred to the statements of the aforesaid witnesses namely, MWs 1 to 7 to prove his point that none of them supported the management's story of assault. Learned counsel argued that the Enquiry Officer relied upon the evidence of MW1, MW2, MW6 and MW7 though they have not spoken to the incident of assault and had disputed the statements made by them before the Investigation Officer. He relied upon the statements at Ex. M8, M15, M16, M17, M18, M19 and M20 though the respective persons who have said to have given those statements have not been examined during the course of enquiry. Therefore, he acted upon no evidence and so also on inadmissible evidence of the aforesaid witnesses without examining the authors of the statements in holding the workman guilty of the charges. He contended that MW1 to 7 had disowned their statements in very clear words saying that they were not the witnesses to be incident and whereas, statement of MW8 said to be the Investigation Officer was nothing to speak to the charges levelled against the first party. MW10 was to speak about Ex. M21 and M22 not relevant for purpose and then the only witness who supported the statement of the complainant, MW11 was MW9 and his statement could not have been relied upon as his evidence was rejected by the Criminal Court and also for the reason that it was contradictory to the statement of MW11 itself on the material aspect of the case namely the assault on MW11 by the first party. He also contended as to why testimony of MW9, MW10 & MW11 ought not have been given credence in the light of the discrepancies appeared in their evidence. He also referred to para 505 of the Sastry Award as to under what circumstances the management can proceed with the departmental enquiry against the delinquent when he has been acquitted by the competent Criminal Court for the very same charges involved in the enquiry as well as involved in the criminal prosecution. His next contention was that enquiry findings could not have been upon being biased in favour of the management as the Enquiry Officer happened to be of lower rank than the ranks of MW8, MW9, MW10 & MW11 and in this context he relied a decision reported in ILR 2005 Kar. 3449 SG Nayak and another Vs. Canara Bank and another.

9. Similarly learned counsel for the management in his written argument highlighted the testimony of almost all the witnesses relevant for the purpose. He contended that the witnesses who did not support the management were interested in the case of the first party and that they after having given their statements before the Investigation Officer have turned hostile during the course of enquiry and therefore, what they have stated before the Enquiry Officer cannot be taken to be true in the light of their earlier statements made before the Investigation Officer. He further contended that there was no reason for the Enquiry Office

not to act upon the testimony of the complainant working as Branch Manager at the relevant point of time, particularly, when it was supported by independent evidence of MW9 and Investigation Officer, MW8.

10. After having gone through the records and re-appreciating the evidence recorded during the course of enquiry as contemplated under the provisions of Section 11A of the ID Act I find substances in the arguments advanced for the first party. In the instant case as noted above, the management examined in all 11 witnesses as MW1 to MW11 and got marked documents at Ex. M1 to M22. Ex. M1 to M20 are said to be the statements of the officials and officers of the bank to speak to the incident of assault on MW11 including his statement recorded by the Investigation Officer, MW8 (Ex. M21 & M22 are not relevant) for the purpose.

11. Now coming to the oral testimony of the management witnesses, undisputedly, MW1 to 7 have not supported the story of the management that the first party abused and assaulted the complainant, MW11, and then manager of the Mudigere Branch. MW1 in his examination chief admitted that though first party was angry but stated that he has not seen the first party pushing the Manager (W11) and that he has signed the statements at Ex. M4 at about 7.30 p.m. in a hurry to go home without going through the contents. In his cross examination he denied the contents of Ex. M4. He was declared hostile for the management. MW2 again stated that he has not seen the incident and he was just told about the same and he denied the statement at Ex. M2. He was not declared hostile and in his cross examination nothing worthwhile was elicited to suggest that he was speaking false. MW3 another bank official also did not support the charge denying the contents of Ex. M2. He was also declared hostile and in his cross examination he stated that at about 8 p.m. Sr. Manager and their Manager called him to the chambers and he stated before them that no incident has taken place but he did not read the statement taken by the Sr. Manager. MW4 again did not own his statement and was not declared hostile. He also did not support the contents of the statement at Ex. M3 made before MW8. Similar is the fate with MW5 to say that he has not seen the workman at the branch on 15-2-1995 and that there was no 'galata' on that day. He was declared hostile. In his cross examination it was elicited that Ex. M5 was merely signed by him and was never read over to him. MW6 another bank official also said to be the eye witness again did not support the management case except to say that he put his signature on Statement at Ex. M9. He was not declared hostile. MW7 again one of the bank official declined to support the management case saying that he has not seen the incident.

12. As noted above, the statement of MW8 said to be an Investigation Officer is not very much relevant except to say that he recorded the statements of the above said bank officials along with Sr. Manager Mr. Balaji. The statement of MW10 who has spoken to the documents at Ex. M21 and M22 is of no use as far as proof of charges of misconduct against the first party. Now the only evidence which remains on record is the statement of MW11 said to

have been supported by the statement of MW9. First of all argued for the first party he is not a listed witness and that he has not given any statement before MW8 and has been brought in picture as eye witness to the incident since all other alleged eye witnesses have not come forward to support the case of the management. Secondly undisputedly he was the witness examined during the course of criminal prosecution against the first party and his testimony was rejected as unbelievable. In his examination chief it has been elicited that he has signed the joint statement at Ex. M13 along with other officers of the bank. But the perusal of the statement at Ex. M13 would reveal that it was the joint statement given by some four officers of the bank namely, Deva Shetty, N. Thimmappa Shetty, Sanjeev Rai and R. K. Hegde and whereas, amongst the signatories Shri Hegde has not signed the statement but there appears to be the signature of MW9. When his name does not find place along with the above said four persons said to have given the joint statement then it cannot be believed that he signed the said statement as an eye witness to the incident. Moreover, if we scrutinize the statement of MW9 and MW11 closely on the important aspect of the case namely the assault of MW11 by the first party we find force in the argument for the first party that there are material discrepancies in the statement on the said point. MW9 in his examination chief stated that when MW1 started marking in the attendance register, immediately, the first party shouted at him, caught hold of his collar and pushed him down. MW11 fell on the floor and immediately got up. Whereas, on this aspect the statement of MW11, the complainant himself is that the first party being angry by looking in marking of the register caught hold of his neck collar pulling from the chair and slapped him and he fell on the floor.

Therefore, as per MW9 the first party caught hold of his collar of MW11 and pushed him down whereas, MW11 says that first party caught hold of him by his neck collar pulled from the Chair and slapped him. If really the first party had slapped MW11 then there would not have been omission of this important fact in the statement of MW9. That apart MW9 in his statement has come out with the version that he noticed that buttons of his shirt which he was wearing were removed when he fell down. In his cross examination he admitted that he has not furnished this information in his written statement. The important admission made by him in his cross examination is that he did not remember exactly whether he was present at the spot of incident which admission in my opinion must falsify and believe his statement of cross examination that he was witness to the incident of assault. He also admitted in his cross examination that he has not specifically made mention in his statement about the abusive language used by the first party which abusive language he has given in his examination chief. Therefore, in the light of the fact that MW9 was not a witness in the list of witnesses furnished by the first party, his statement was rejected by the criminal court and in view of his contradictory statement as against the statement of MW1 and as against his alleged statement at Ex. M13 made before MW8 it will not be safe for this

tribunal to act upon his testimony to say that he corroborated the testimony of MW11, the complainant in this case. Now, the only evidence will be the evidence of MW11 himself. The first reason not to believe this witness will be his interestedness in the matter. His testimony is undisputedly a self serving testimony. The second reason not to believe him will be the fact that MWs 1 to 7 who were the bank officials and alleged to be the eye witnesses have not supported his case. The other reason not to believe him is that the other three bank officials namely DW1 to DW3 have also come out with the version that on 15-2-1985 there was no such incident of assault and that is the reason they have not made their statements before MW8. The other serious infirmity which has also been noted by the criminal court in its judgement that there was undue delay by MW1 in lodging the complaint to the Police about the incident on hand. Undisputedly, police complaint has been lodged on 16-2-1985 though incident on hand is said to have taken place at about 9.50 AM on 15-2-1985. There is no explanation worth convincing coming forward except to say that investigation by MW 8 went up to 9.30 PM on 15-2-1985. Assuming that investigation went up to 9.30 PM then again nothing prevented MW11 or MW8 to make complaint about the incident with the police immediately thereafter. It is in this view of the matter the learned Magistrate in his judgment observed that the complainant itself is an after thought and product of deliberation a circumstance fatal to the prosecution. The next important loophole to be noted is the statement of complainant himself in his examination chief before the enquiry officer on material aspect of the case namely the actual assault on him by the first party. He says that he was caught by his neck collar and was pulled from the Chair and then was slapped. His statement with regard to the first party slapping him finds no mention either in the statement of MW9 who said to have supported the case nor in the statement of other witnesses examined before the enquiry officer and the witnesses who said to have given their statements before MW8. Therefore, the above said statement certainly is an after thought statement not supported by evidence of any other witnesses much less the statement of MW9 and it is in this view of the matter it will be unsafe for this tribunal to act upon the above said statement of MW11 saying that he was abused in filthy language and thereafter was pulled from Chair and was slapped by the first party. In fact his statement that first party pulled him from Chair has also not been supported by MW9 much less the other witnesses on record. That apart the defence taken by the first party that he was at the Govt. hospital at the relevant point of time and that he was not present in the bank has been supported by the evidence of MW3 who is said to have been the first party at Hospital taking the treatment and the evidence of DW4, the medical officer himself who examined the first party on that day at about 9.30 AM which examination continued for about 10 minutes. Testimony of DW4 remains to be shaken in his cross examination.

13. The next important point raised on behalf of the first party would that the testimony of MWs 9 and 11 also

could not have acted upon the enquiry officer as they happened to be the higher in rank than the enquiry officer, there being every likelihood of enquiry officer acting biased in favour of the management not to displease his higher ups. His Lordship of Hon'ble High Court in the aforesaid SG Nayak case laid down the principle in very clear words that enquiry conducted by the officer of the rank lower in the rank of the complainant and other witnesses will result into bias in favour of the management and such enquiry proceedings or findings cannot be taken to be fair and proper and they are liable to be rejected as bias and perverse. Another important fact which should not be lost sight of this tribunal is that the enquiry officer while recording his findings has relied upon the statements of MW1, 2, 4, 6 and MW7 though they have not spoken to the incident of assault and have not stood with the contents of their alleged statement before the MW8. The learned enquiry officer also has taken into account the statements at Ex. M7, M*, M15, M16, M17, M18, M19 and M20 also as evidence in the matter though none of the author of those statements was examined during the course of enquiry. Therefore, in doing so learned enquiry officer has relied upon the evidence which was not the evidence in the eye of law much less legal and sufficient to connect the first party with the guilt. Therefore, considering the evidence brought on record the only conclusion to be drawn would be that charge of assault levelled against the first party has not been proved by legal and sufficient evidence. As the incident of assault itself is not established, the charge that the first party abused MW11 in filthy language prior or subsequent to the assault also must fail. We also cannot loose sight of the fact that the first party was prosecuted on the police complaint of the management on the very same charges and set of facts which are found basis of the charge sheet issued to him for the purpose of DE and he was acquitted of the charges by competent criminal court.

14. As argued for the first party there is also no compliance of Para 505 of Sastry Award by the management in this case in proceeding ahead with the departmental enquiry against the first party despite the acquittal in the criminal prosecution. As per the above said clause 505 it is laid down that the management should not take lightly the acquittal of the delinquent in such cases by conducting departmental enquiry unless the management feels that there has been such a gross violation of the departmental rules as to necessitate and further enquiry in the interest of the institution on the matters other than those in respect of which he has been already acquitted. In the instant case, undisputedly, there was no violation much less gross violation of departmental rules necessitating the further enquiry against the first party as the misconduct alleged in the charge sheet was the misconduct rather the alleged crime committed by the first party inviting the criminal prosecution. Therefore, for all these reasons, I am of the considered opinion that findings of the enquiry officer suffered from perversity there being no sufficient and legal evidence to support his findings that the first party committed the misconduct alleged against him. It is to be

further held that the termination order passed against the first party on the basis of the aforesaid findings and in contravention of para 505 of Sastry Award was illegal and void *abinitio*. In the result the natural corollary would be the reinstatement of the first party workman into the services of the management to the post he held at the time of termination.

15. Now coming to the reliefs of back wages, continuity of service and other attended benefits, in order to deny the first party the back wages for the period he was out of the service of the management there has been no evidence led on the part of the management to suggest that the first party has been gainfully employed after he was terminated from service. Similarly the first party has not taken any pains to lead any evidence or to step into the witness box to testify to the fact that he has been without employment much less gainful employment during the period he was out of the service of the management. It also cannot be taken for granted that the first party has been idling his time all along without earning his livelihood from the date of his termination till todate. Keeping in view the laches on the part of the management as well as on the part of the first party on the point of his gainful employment or otherwise and so also taking into consideration the fact that the first party for the first time raised the dispute before the Conciliation Officer in the month of December 1991, it appears to me that ends of justice will be met if the first party is ordered to be paid 60 per cent of the back wages from 1-1-1992 till the date of his reinstatement with continuity of service and other consequential benefits. Hence the following Award :

AWARD

The management is directed to reinstate the first party into its service with 60 per cent of the back wages from 01-01-1992 till the date of his reinstatement with continuity of service and all other consequential benefits.

(Dictated to PA transcribed by her corrected and signed by me on 25th May, 2006).

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 7 जून, 2006

का.आ. 2530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 41/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/13/2000-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2530.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/2000)

of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Indian Bank and their workman, received by the Central Government on 6-6-2006.

[No. L-12012/13/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated: 12th May 2006

PRESENT:

Shri A.R. SIDDIQUI, Presiding Officer

C.R. No. 41/00

I Party

Smt. N.G. Jayalakshmi,
House No. 75/1,
Manjunatha Lay Out,
R.T. Nagar,
Bangalore

II Party

The General Manager,
Indian Bank,
31, Rajaji Salai,
Zonal Office,
Chennai

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* order No. L-12012/13/2000-IR (B-II) dated 16th June 2000 for adjudication on the following schedule:

SCHEDULE

"Whether the Management of Indian Bank, Bangalore is justified in refusing Pensionary benefits to Smt. N.G. Jayalakshmi former permanent part time sweeper, for the casual service rendered by her from 1-12-1996 to 16-3-1988? If not, what relief the workman is entitled to?"

2. The case of the first party workman, as made out in the Claim Statement, briefly, stated is that she joined the services of the management bank on 01-12-1966 as a Sweeper and was removed from the service from December 1982 without giving any valid reasons. She was reinstated in service from 12-3-1988 on per the directions given in the award dated 27-03-1987 passed by this Tribunal as CR No. 21/1987 (Old CR No. 22/84) with continuity of service and other benefits but without any back wages and there is specific mention in the award that she comes under the definition of 'Workman'. However, on her retirement the management fixed her pension without considering the continuity of service *vide* 1-12-1966 as per the aforesaid directions made in the award. She received the arrears of pension under protest as pension was fixed taking into consideration the date of reinstatement dated 12-03-1988 and not her original appointment date of 1-12-1966. Therefore, she requested this Tribunal to pass an award

directing the management to pay the pensionary benefits w.e.f. 1-12-1966 to 16-3-1988 which has been illegally withheld by the management along with other benefits.

3. The management by its Counter Statement not disputing specifically that the first party was engaged as Sweeper w.e.f. 1-12-1966 however, contended that her engagement to do the work of Sweeper was on casual basis and that her appointment was not made by competent authority to the post of Sweeper after following due procedure w.e.f. 1-12-1966; that during December 1982 the first party stopped coming to bank on her own and after a lapse of two years, in 1984 she raised the above said Industrial Dispute resulting into an award passed by this tribunal reinstating her in service with continuity of service and without any back wages and other benefits. As per the award she had to be placed in the original consolidated wages position, however, the management considered her case and appointed her for the first time in 1/3 scale wages as permanent part time sweeper on 16-03-1988. The first party accepted the appointment and joined the services of the bank and therefore, now cannot be allowed to say that her appointment should be considered from 1-12-1966. She also cannot claim the benefit of the pension from 1-12-1966, as she was not entitled to any such benefit as per the aforesaid award. The management as per Paras 4 & 5 of the Counter Statement referred to Regulation No. 2(n) of Indian Bank Employees Pension Regulations, 1995 and Regulation No. 27(1) contending that the first party being employed on daily wage basis/consolidated wages basis and not on permanent basis on scale wages prior to the aforesaid appointment order dated 16-3-1988 and not making any contribution to the Provident Fund earlier to the said appointment order, is not entitled to claim the Pensionary benefits for the period earlier to the said appointment order dated 16-3-1988 as services rendered by her prior to 16-3-1988 cannot be counted for the purpose of pension regulation. At para 6, the management contended that as per clause 14(1) of Bipartite Settlement dated 31-10-1979, Part time Sweeper on consolidated wages is not eligible to contribute to PF and since the first party was appointed in 1/3rd scale wages only on 16-3-1988 and has been contributing to the PF Scheme only from 16-3-1988. She is entitled to Pensionary benefits only from the date she started making contribution in the PF Scheme. Therefore, her claim for pension of earlier period of casual engagement on consolidated wages is not tenable and therefore, reference is liable to be rejected.

4. During the course of trial, the management examined one witness as MW1 and got marked two documents at Ex. M1 & M2 namely, the aforesaid award and the Pension Regulations. His statement in examination chief is as under :—

"I know the facts of the case. The first party who was earlier working as Sweeper in the Second Party Bank had moved this tribunal by way of reference and an award as passed in her favour reinstating her which is at Ex. M1 (Xerox copy). She was reinstated as part time sweeper with 1/3rd Scale Wages. As she will be working for 1/3rd of the working day. She was reinstated in 1988 as per the award. She retired from

service on 30-6-1998 after attaining the age of superannuation i.e. 60 years.

There are two schemes of retirement benefits for the officials of the Bank one is the payment of Contributory PF and another by way of Pension Payment. The first party opted for contributory PF in the beginning of the service and in the year 1995 when Pension Scheme was introduced, she opted for that and accordingly she has been receiving pension from the date of her Retirement. Ex. M2 is the head office circular laying down the procedure and rules i.e. pension regulations and the relevant Regulation 2N and 27(i) are at Ex. M2(a) and M2(b).

As per these regulations the first party is not entitled to the Pensionary Benefits for her casual service as a part time sweeper from 1-12-1966 to 18-3-1988 as claimed by her."

5. On her part, the first party filed her affidavit evidence reiterating the averments made in the Claim Statement and got marked two documents at Ex. W1 & W2. I would like to refer the statement of MW1 and the first party in their cross examination as and when found relevant and necessary.

6. Learned counsel for the first party, vehemently, argued that in the light of the award passed by this tribunal marked at Ex. M1, the management was given a direction that the first party shall be reinstated in service with continuity of service but without back wages and other benefits, therefore, her services rendered from the original date of engagement i.e. on 01-12-1966 must have been taken into consideration for the purpose of fixing her Pensionary benefits till the date of her reinstatement on 12-3-1998 and onwards till the date of her retirement on 30-6-1998. He contended that the Pension Regulations marked at Ex. M2 on behalf of the management since have come into effect in the year 1995 are not applicable to the case of the first party and this fact has also been admitted by MW1 in his cross examination. Therefore, learned counsel submitted that when there is specific order in the aforesaid award granting the relief of continuity of service, it shall be presumed that the services rendered by the first party from 1-12-1966 till the date she was reinstated on 16-3-1988 should not have been discounted for the purpose of pensionary benefits irrespective of the fact that she rendered the services during the said period on a casual basis or on the basis of consolidated wages.

7. Whereas, learned counsel for the management argued that as per the award at Ex. M1, there is specific direction given to the effect that though the first party is entitled to continuity of service but was not entitled to any back wages or other benefits. He submitted that since the Pensionary Benefit comes under the category of "other benefits", she cannot claim Pensionary Benefits from 1-12-1966 onwards either in the light of the direction given in the said award or in the light of the Pension Regulations marked at Ex. M2, M2(a) or M2(b) or in the light of the very clause 14(1) of the Bipartite Settlement of the year 1979. He submitted that the first party was to be reinstated in service on casual basis on consolidated wages as per the aforesaid

award but the management after having considered her case appointed her as a permanent Part Time Sweeper on scale wages vide appointment order dated 16-3-1988 which appointment order was accepted by the first party and she has started making contributions towards the PF Scheme from that day onwards. Therefore, the first party having opted for PF Scheme and making contribution towards PF only from 16-3-1988 onwards, she cannot claim Pensionary benefits under the Pensionary Scheme for the period earlier to 16-3-1988.

8. After having gone through the records, I find substance in the arguments advanced for the management. The facts undisputed are that the management engaged the services of the first party as a part time Sweeper on temporary basis from 1-12-1966 onwards making the payment on the basis of consolidated wages. It is again not in dispute that when the services of the first party came to be terminated somewhere in the month of December, 1982, she raised the industrial dispute and an award at Ex. M1 came to be passed by this tribunal allowing her reference in the following terms at para 4 of the said award :

"In the result an award is hereby passed to the effect that the employee Jayalakshmi shall be reinstated forthwith, with continuity of service but without any back wages and other benefits."

9. It is not in dispute that the first party retired from her services on attaining the age of superannuation w.e.f. 30-6-1998. It is again indisputable that after her retirement the management fixed her pension taking into account the services rendered by her from 12-03-1988 till the date of her retirement i.e. 30-6-1998 not considering the period of service rendered by the first party as a casual part time Sweeper from 1-12-1966 till 16-3-1988. Now therefore, the first party by way of her reference has challenged the action of the management in not considering her period of service from 1-12-1966 to 16-3-1988 in fixing her pensionary benefits. Her main contentions is that as per award, she had been given the relief of continuity of service and that means to say that the management shall consider the services rendered by her as a part time Sweeper on casual basis also for the purpose of Pensionary Benefits.

10. Whereas, as noted above, the case of the management is that the services rendered by the first party on casual basis earlier to 16-3-1988 cannot be considered for the purpose of Pensionary Benefits and as noted above, in this connection the management relied upon the aforesaid Regulations and terms of the Bipartite Settlement. Of course, as per the award referred to supra a relief of continuity of service has been granted in favour of the first party but as contended for the management as per the terms of the award she could have been reinstated into service as a Part time Sweeper only on casual basis. There being no directions from the court in the said award to the effect that she shall be reinstated into service as a permanent part time Sweeper with continuity of service from 1-12-1966. The management was also right in taking a stand that the directions made in the award are very clear to the effect that the first party shall not be given any back wages and other benefits. It was rightly argued for the

management that the term "other benefits" used in the award must include Pensionary Benefits as well. Therefore, a question arises that when the first party got the relief of continuity of service only as a casual worker and was reinstated in service on 16-3-1988, on 1/3rd scale wages can she claimed the benefit of pension for the services she rendered earlier to 16-3-1988. The plain answer to the said question must be in the negative. From the statement of MW1 in his examination chief it is very much clear that there were two schemes of retirement benefits for the officials of the bank i.e. one by way of payment of Contributory PF and another by way of Pension payment. He stated that the first party opted for Contributory PF in the beginning of the service and in the year 1995 when Pension Scheme was introduced she opted for that and accordingly she has been receiving the Pension from the date of her retirement. This statement of MW1 has gone very much undisputed and unchallenged in his cross examination for the first party. Now therefore, if we act upon the above said statement it becomes crystal clear that the first party is governed by the aforesaid pension regulations at Ex. M2. The relevant regulations being marked at Ex. M2(a) &(b), those regulations made it abundantly clear that an employee of the bank receiving daily wages/consolidated wages will not be treated as a permanent employee eligible for contribution towards PF and thereby eligible for Pensionary benefits for the services rendered by him/her as a casual employee on the basis of consolidated wages.

11. Learned counsel for the first party in this context invited the attention of this tribunal to the statement of MW1 in his cross examination wherein he stated that this pensionary rules at Ex. M2 are not applicable to the case of the first party. Even if we go by the above said statement rather, the admission made by MW1 in his cross examination then there is no escape for the first party from the Bipartite Settlement 1979. It is not disputed that as per Clause 14(1) of Bipartite Settlement dated 31-10-1979, part time Sweeper on consolidated wages is not eligible to contribute for PF Scheme. Thereafter, when the first party was a part time Sweeper and was not eligible to contribute PF and undisputedly was not making any contribution towards PF earlier to her regular appointment as part time Sweeper from 16-3-1988 and in view of the fact that she opted for PF scheme for pension purpose, she now cannot turn around and contend that her services rendered prior to 16-03-1988 must have been considered for the purpose of Pensionary benefits, taking a shelter under the relief granted to her with regard to the 'continuity of service' as per the above said award. In the result I must hold that the management was justified in denying Pensionary benefits to the first party workman for the casual service rendered by her from 1-12-1966 to 16-3-1988 and therefore, her claim must fail. Hence the following award.

AWARD

The reference stands dismissed. No costs.

(Dictated to PA, transcribed by her, corrected and signed by me on 12th May, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2531.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कॉरपोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 2/60/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/183/1998-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2531.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/60/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure, in the industrial dispute between the management of Corporation Bank and their workmen, which was received by the Central Government on 6-6-2006.

[No. L-12012/183/1998-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT

Shri A. A. Lad, Presiding Officer

Reference : CGIT-2/60 of 1999

Employers in relation to the management of
Corporation Bank

The Regional Manager,
Corporation Bank, Salgaocar Chambers,
Near Patto Bridge, Panjim Goa,
Panaji-403001

AND

Their Workmen

The General Secretary,
Gomantak Mazdoor Sangh,
Kamashi Kupa, Ground Floor,
Khandapa Band, Ponda, Goa

APPEARANCES

For the Employer : Mr. R. S. Pai, Advocate

For the Workman : Mr. M. S. Bandodkar,
Advocate

Date of reserving Award : 18th April, 2006

Date of passing of Award : 3rd May, 2006

AWARD—PART II

The matrix of the facts as culled out from the proceeding are as under :

1. The Government of India, Ministry of Labour, by its Order No. L-12012/183/98/IR(B-II), dated 22nd February, 1999/9-3-1999, exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication :

“Whether the action of the management of Corporation Bank in dismissing Shri Sriram S. Pai Raiturkar, Typist-cum-Clerk, Margao Branch from the services w.e.f. 21-3-97 is legal and Justified ? If not, what relief the workman is entitled to ?”

2. The Workman Shri Raiturkar was working as Typist-cum-Clerk in Corporation Bank since 1980. While working in Margao Branch on 3rd June, 1996, Management Bank suspended him for the charges framed against him, that, his act of making complaints to various authorities against the Bank official Mr. Kamat and Shenoy amounts to wilful insubordination or disobedience of lawful and reasonable orders and those acts are prejudicial to the interest of the Bank under Clause 19.5(j) of the Bipartite Settlement. He pleaded vide Statement of Claim (Exhibit 3) that bank suspended and thereafter terminated him illegally. Inquiry held against him was not fair and proper. He contended that charges framed against him dated 3rd June, 1996 were vague and do not constitute a misconduct and those pertain to the earlier proceedings and the action taken thereon by the management. He further contended that he was not supplied copies of the material documents concerning to the charges, the inquiry officer appointed by the management was biased, he was junior to the complainant and the witnesses examined by the management. He contended that the inquiry officer allowed the management to examine its witnesses, however, he was not allowed to examine his witnesses though list was given on dated 20-11-1996. It is contended that by his letter dated 4th January, 1997 he had requested the inquiry officer to reserve his right to file summation, however, he was not given opportunity to file the same. It is his case that the inquiry held against him was contrary to the Principles of Natural Justice and fair play and that the findings recorded by the inquiry officer in his report dated 28th February, 1997 are bias, and relying on the ex parte report he has been illegally dismissed on 21st March, 1997. He therefore contended that, inquiry held against him vitiates.

3. The Management Bank resisted the claim of the workman by filing Written Statement (Exhibit 7) contending

that the charges were clear and specific, sufficient opportunity was given to the workman, relevant documents were supplied to him and that by findings by Enquiry Officer were recorded with reasons. It is contended that in the charge sheet dated 3rd June, 1996 there is reference of the complaints of workman dated 27th August, 1994 and 1st September, 1994, concerning to the subsequent events and not the earlier proceedings and that charges were not at all, vague and general. According to the management the workman was supplied the documents on which the management relied. As per his convenience the inquiry was fixed at Goa and not at Mangalore. Inquiry was commenced on 25th October, 1996 and when fixed on 4th January, 1997 workman walked out. He was given again opportunity to cross-examine the witnesses of the Management. However, he did not avail the opportunity. It is contended inquiry officer with reasons rejected the request of the workman for calling his witnesses, and the supply of documents, being not relevant. It is contended, workman gave reply to the charges on 8th July, 1996 and after giving sufficient opportunity, inquiry officer submitted the report on 28th February, 1997 and that the Disciplinary authority on the basis of the report dismissed the workman on 21st March, 1997 for the proved misconduct. It is contended, workman avoided to participate in the inquiry, deliberately. The inquiry officer had no reason to go against him and that the findings based on reasons, are not at all perverse. Consequently management contended to hold the inquiry fair and proper.

4. By the Rejoinder (Exhibit 9), workman contended that the letter dated 27th August, 1994 and 1st September, 1994 formed part of the charges framed against him. He contended that the charges levelled were concerning to the incident which were ended in earlier proceedings.

5. On the basis of the pleadings my Ld. Predecessor framed issues at Exhibit 12 and decided to hear both the parties on Issue No. 1 and 2 at preliminary stage i.e. on the issue of correctness of the domestic enquiry, fairness of enquiry and perversity of the finding. After perusing the record and evidence as well as hearing them on these issues, my Ld. Predecessor by judgment dated 24th October, 2001 observed domestic enquiry was not conducted by following principle of natural justice and observed findings were perverse. By the said Order Management was directed to led evidence to justify their act of termination which is under the challenge by this Reference.

6. As a result of that evidence was led by both i.e. by First Party in examining M. P. Kunju at Exhibit 43-A, D. L. N. Murthy at Exhibit 47 and V. E. Katpitia at Exhibit 62. Both were cross-examined by the workmen through his Advocate. First Party filed closes on purshis at Exhibit 63 and invited Second Party Workman to led evidence. Second Party Workman has examined himself at Exhibit 74 and was cross-examined by the First Party's Advocate. He also filed his closing purshis at Exhibit 76. Both were heard. Perused

their written submissions i.e. submissions filed by First Party at Exhibit 77 and Second Party at Exhibit 80.

7. This position now led me to discuss this evidence on the remaining Issue No. 3 and 4 which I answer as follows :

Issue	Findings
3. Whether the action of the Management of Corporation Bank in dismissing Sriram S. Pai Raithurkar typist-cum-clerk from Service w.e.f. 21-3-97 is legal and justified ?	No
4. If not, to what relief the workman is entitled to ?	Second Party is entitled for re-instatement with benefits of 50% back wages.

Reasons :

Issue No. 3 :

8. This is the second round of litigation before this Tribunal. In the first round, this Tribunal considered the fairness of enquiry and perversity of findings and passed Part I Award on 24th October, 2001 observing that enquiry was not fair and proper and findings perverse.

9. Now, in this second round of this proceedings, First Party led, evidence by examining three witnesses as referred above to justify its action of termination.

10. The facts of this case reveals that in March, 1986 Second Party Workman was initially chargesheeted for submitting false LFC (Leave Fair Concession) and misappropriation of funds. In the enquiry he was found guilty against said charges and was dismissed from services by the Bank by order dated 14th November, 1986. The said order was intervened by the Union i.e. Corporation Bank Employees by which he was reinstated as per the settlement dated 7th June, 1988 and was posted at Head Office. Accordingly he joined at Mangalore on 5th July, 1988. During that posting at Mangalore he wrote number of anonymous and pseudonymous complaints addressing to Reserve Bank of India and Finance Ministry. Accordingly he was charge sheeted by the First Party. Enquiry was conducted who observed Second Party Workman guilty of the charges and submitted report on 10th August, 1991. However, benefit of doubt was given to him. Still he did not stop that habit and wrote number of such anonymous and pseudonymous complaints for which he was chargesheeted by Chargesheet dated 3rd June, 1996. Again enquiry was conducted against him. The Enquiry officer submitted his report on 20th February, 1997 holding Second Party Workman guilty of all charges levelled against him regarding charge of writing anonymous letters and pseudonymous complaints. Charge of creating obstacles

in computerization of the Branch and creating hurdles in the function of the Bank was also levelled against him. After considering the report submitted by the Enquiry Officer, who held Second Party Workman of all the above charges submitted report accordingly to the First Party. Accordingly Show Cause notice dated 27th February, 1997 was served upon him to show cause as to why said punishment of termination of his services should not be imposed upon him? By letter dated 10th March, 1997 the Second Party Workman wrote a letter to the First Party. However, chose not to avail the opportunity to explain the punishment proposed by the First Party and after considering all this and repeated act of the Second Party Workman and looking that no improvement took place in his behaviour and conduct, order of dismissal was imposed on him by order dated 21st March, 1997 and since then he is out of employment.

11. According to Second Party Workman, the dismissal under challenge is not legal and proper. There was no evidence before the Enquiry Officer to hold him guilty of the charges levelled against him. The charges leveled against him were already considered. He was warned, still same charges were leveled and farce enquiry was made just to facilitate First Party to take revenge or victimize him. As far as charge of creating hurdles in the installation of the computers in the working of the Bank is concerned, the said charge is not proved at all. Even allegations of writing anonymous and pseudonymous complaints were also not proved against him. There was no cogent and satisfactory evidence before the Enquiry Officer to observe him guilty of the charges leveled against him. Pausing for a moment, charges of writing anonymous and pseudonymous complaints are proved against him, the punishment awarded of dismissal and served on him as well as effected is not proportionate.

12. Now, we have to see whether charges leveled against Second Party Workman of writing of anonymous letters and pseudonymous complaints is proved beyond doubt against this chargesheeted employees? To establish the charges, or to prove the above, allegations as referred above, First Party placed its hand on the depositions of 3 witnesses who are examined after giving opportunity was given to prove the charges leveled against the Second Party Workman. One of them is Mr. M.P. Kunju, examined at Exhibit 43-A on behalf of the First Party who is Bank employee serving as an Assistant Manager at Zonal Office at Kochi. He was working in Personnel Administration Division pertaining to Industrial Relations Wing in the Bank. He states that, he knows Second Party Workman and also states that, he is conversant with the personal record of the Second Party workman. He is aware of chargesheet dated 3rd June, '96 served on Second Party. He is also aware regarding warning given to the Second Party Workman prior to chargesheet dated 3rd June, 1996 which was served on him on 24th March, 1986. He states that,

enquiry was conducted against him as per Exhibit "M" and on the report of the Enquiry Officer his services were terminated by Disciplinary Authority by order dated 14th November, 1986. As per the settlement which took place between the Union for Second Party and for First Party, he was reinstated. Thereafter again he was served with the Charge sheet in the year 1989 for his involvement in sending anonymous and pseudonymous complaints against various officers of the First party were leveled. He was Enquiry officer of that, chargesheet. He submitted report. Said complaints were typed and it was proved that typewriter provided to the Second Party was used by him in typing those complaints. Still benefit of doubt was given to him and he was warned that time. Again by last chargesheet dated 3rd June, 1996, he was prosecuted by the First Party. He states that, number of complaints were written by Second Party Workman in the name of Mr. M.V. Chandrashekhar Muthy, the Minister of State for Finance and Reserve Bank of India. The said letters were produced in the enquiry proceedings. Though he was warned he did not stop his activities and went on writing complaints time and again inviting attention of the First party's officers and demoralize them, without any reason. He did not leave that habit. Relying on the finding given by the Enquiry officer on the said chargesheet dated 3rd June, 1996, he was dismissed from employment. In the cross, this witness states that, he was Enquiry Officer in the enquiry of the chargesheet of 1989. This witness admits that, in the said enquiry of 1989 charges leveled against the Second Party Workman were not proved. He further states that, alongwith Second party Workman charges of similar type were served on S/Shri H.L. Vijay Kumar, Merlin Fernandez and Manager T. Satyanarayanan. However, this witness is unable to state whether any disciplinary action was taken against them or not. Even he admits that, lesser punishment was given to 3 others saying that, charges leveled against this workman were of severe nature than the charges leveled against those 3. He further states that, the charges leveled against Second Party Workman in writing M 28, M 29 and M 30 were not sent to hand writing expert for opinion to ascertain who is author of it. He states that, documents like M 6 to M 12 and M 15 to M 18 as well as M 22 were sent by this Workman through proper channel. He also admits that as per the Circular of the Bank grievances, if any, can be sent through proper channel. He also admits that, after 15th April, 1996 he was warned not to write such anonymous and pseudonymous complaints. He also admits that, on 15th April, 1996 Second Party Workman was officially cautioned not to indulge in writing such letters. He is not aware where are the originals of M 28, M 29 and M 30 which were the subject matter of the enquiry. He states that, those complaints were received from the authorities to whom they were addressed. He also admits that, those complaints viz. M 28 to M 30 does not bear the signature of the Second Party Workman. He states that, complaints were written against Mr. H.V. Kamat. He also states that, action was

taken against said Kamat and five increments were withheld of Mr. Kamat. He admits that he has no idea, whether enquiry was conducted regarding complaints marked M-28 to M-30. He also admits that, he does not know, whether contents of complaints marked as M-6 to M-12 and M-15b to M-20 were enquired or not. He also admits that the service record of the Second Party Workman does not contain regarding complaints marked M-28 to M-30.

13. Then First Party examined Mr. D.L.N. Murthy at Exhibit 47. Who is on the point of installation of computer and allegedly creating hurdle in the functioning of the First Party. Case of the First Party was that, Second Party Workman instigated his associates and workers not to cooperate Bank in the process of installation of computers. In that regard, this witness in the cross states that, he did not issue any letters to the Workmen to stop work on the computer. He also states that, he did not give memo to any workmen regarding non-cooperation given by them about installation of computer. He admits that after completion of the installation of computer work, of it was going on peacefully. He admits that, Workmen is entitled to complain about their own grievances.

14. Then First Party examined V. Katpatia at Exhibit 62 who was working in the Vigilance Department at Head Office of the First Party. According to him on 19-3-1991 when he was at Vigilance Cell, Bank received letter addressed to Hon'ble Finance Minister Shri Yeshwant Sinha which was ordinary signed by H.R. Shenoy. The Said letters was referred to the Bank to reply to it which is marked M 28. He further states that similar type of letter was written on 2nd March, 1995 addressed to the then Hon'ble Prime Minister of India which was sent by Vigilance Cell, marked Exhibit M 29 and another letter written on 4th May, 1991 to Finance Minister Exhibit M 30. He states that copies of those letters were sent to Vigilance Cell which held preliminary enquiry regarding the nature of complaints which are at Exhibits M 28 to M 30 and in that, Vigilance Cell found that, all those letters were written by Second Party Workman in the pseudo name of H.R. Shenoy. Further Vigilance Cell found that, letter obtained from Second Party Workman was tallied with the contents of Exhibit M 29 and the Vigilance Cell reported that, it was written by the same author i.e. author of letter at M 12 which was signed by Second Party Workman. He also states that, he personally enquired with the Second Party Workman and drew his attention to M 12 and M 28 to M 30. He also states that, Second Party Workman wrote letters against H.V. Kamath, Exh. 9 & 10, He states that, he is conversant with the conduct and behaviour of the Second Party Workman observing that, he has developed writing false complaints against his superiors. In the cross, this witness states that, he is not expert in scientific examination of the documents and has advised First Party to send those documents to Forensic Laboratory, Bangalore, for its opinion. He admits that, type set of documents M 12 tallies with documents at

M-29. However, does not tally with M 28 and M 30. He states that, M 28 was received from the Reserve Bank of India whereas M 29 and M 30 were directly received from the Bank. He admits that, M 29 and M 30 were typed copies and were sent without covering letter. he admits that, those complaints were not compared with originals since only photo copies of those were sent for his finding. He admits that, M 28 to M 30 were pseudonymous complaints and found signed by the Second Party Workman. He admit that, in the domestic enquiry he stated that, none of the complaints required any action from the point of view of Vigilance. To refute the findings, Second Party Workman examined at Exhibit 74 by giving explanation to the charges leveled against him are not proper and correct. He also states that, the findings is not sufficient to hold him guilty of the charges leveled against him. In the cross Second Party Workman states that, he was served with the charge-sheet in 1996 for making false claim of LFC and was dismissed from the services after enquiry. He also admits that, in the intervening period of termination, settlement took place and as per settlement he was reinstated. He also admits that, enquiry was conducted against him regarding chargesheet dated 3-6-1996. He also admits that, one Mrs. Maya Falari submitted false bills. He informed that, to the concerned authorities. He admits that he was held guilty of the charges leveled against him by the Enquiry Officer. He states that, after termination though he applied he did not get any job.

15. So this is the evidence led by both on the point of framing charges leveled against the Second Party Workman of writing anonymous and pseudonymous complaints. As far as creating hurdles in the installation of computers and creating hurdles in the function of the Bank is concerned, the witness examined by First Party viz. Murthy is stating that, he did not order any Workmen not to work on the computer and after installation working on the computer was going on smoothly. So definitely charge of creating hurdles in installation of computer and creating hurdles in the day to day functioning of Bank is concerned is not proved by any one in any manner by the First Party, though it got an opportunity to prove those charges.

16. Now, question of writing of anonymous and pseudonymous complaints a charge which is leveled against the Second Party Workman, is concerned we find, the evidence of MW 1 and MW 3 is relevant alongwith the documents produced by the First party with Exhibit 10.

17. Evidence placed on record by the First Party regarding writing anonymous and pseudonymous complaints by Second Party Workman, we find evidence of MW 1 speaks much about the same. Said witness was General Manager and was competent to act as Disciplinary Authority. He was also enquiry officer into the chargesheet dated 3-6-1999 which was given by First Party to Second Party Workman. However, he admits that said charges were

not proved against Second Party Workman. This witness further states that, employees by name Vijay Kumar and Marlin Fernandez were charge sheeted like Second Party Workman with one K. Subaramaniam. It was argued by First Party that, those were exonerated from the charges levelled against them though charge against them was of similar type as that of Second Party Workman. In that context this witness states that he did not know whether those 3 are in the employment or not, he admits that, disputed documents M 6 to M 12 and M 15, M 16 and M 18 to M 21 were sent through proper channel by the workman. He also admits that, there is circular which is made known to the workmen in the Bank that if anybody, wants to make complaint, has to complain it through proper channel. That means this witness authentically states that any employee can make complaint but through proper channel. Accordingly as per record this Second Party Workman though admittedly complained, complained through the proper channel, the channel which was available or was made available by the circular of the Bank. Besides complaints were not declared false. There was subsistence in it. That means making complain, through proper channel, was permissible and it is not the case of the First Party that Second Party Workman did not follow the said procedure and go on complaining as per his shims and idea. Even it is not the case of the First Party that he complained without following proper procedure. Evidence brought on record by the Second Party Workman by cross examining MW 1 clearly establishes that, Second Party Workman though complained, complained through the channel which was permissible.

18. As far as writing pseudonymous complaints is concerned, evidence brought on record by the First Party, if perused, we find that, the capital made by the First Party of M 28, M 29 and M 30 to involve Second Party Workman is concerned and for which he was blamed and charge sheeted, we find, regarding same this witness i.e. MW 1 states that, subject matter was in the complaint of M 28 to M 30 was not enquired by the authorities or by anybody. There is no finding on the subject which was involved in these complaints. Besides it is not the case of the First Party that said complaints were sent to expert to have opinion regarding author of it. On the contrary he admits that, he received copies of the complaints of M 28 to M 30. Said were received from the authorities at whose address those were addressed. He further admits that those complaints were not signed by the Second Party Workman. When those were not signed by the complainant, when those were typed copies and there was no expert evidence on those documents which connect Second Party Workman to show, he is author of it, in my considered view, Second Party Workman cannot be blamed for that and involved in it. It is pertinent to note that, that M 28 to M 30 are the typed copies. Those were not signed by any persons, originals were not produced before any authority. Expert

opinion was not taken about author of it. Merely because those were typed like the type machine used by Second Party Workman provided by the First Party, it does not mean that, Second Party Workman is the only author of it and no other can be blamed for that. Type machines are of Company, number of such machines might have been delivered to customers. Witness examined at Exhibit 62 MW3 by the First Party states that, he was working in the Vigilance Department and was concerned with documents received in the said Department. Still he admits that, he is not the expert in scientific examination of the documents. He admits that, said documents were required to be sent to Forensic Science Laboratory at Bangalore. He also admits that, typed set of documents M 12 tallies with the typed material of document M 29. However, does not tally with the typed material of M 28 and M 30. He enquired the complaints filed at M 28 to M 30 when received by him. According to him document at M 28 was received from Reserve Bank of India whereas M 29 and M 30 were received directly in the Bank by the postal correspondence. He further states that, M 28 was received with covering letter whereas M 29 and M 30 were received plainly in the form of photo-copies. He also admits that, those were not compared with the originals as photo-copies were sent and not originals of it. He also admits that signature was not on the M 28 to M 30. He explains that, M 12 was the writing of Second Party Workman whereas M 28 to M 30 were so called pseudonymous complaints. Even he admits that, in the enquiry he has opined that those complaints does not require to penalize for such type of allegations. When this is the opinion of the person who is working in the Vigilance Department of the First Party Bank and who is holding such an important and responsible post and opined like that, and when there is no direct evidence to involve Second Party Workman in blaming that he is author of those documents i.e. M 28 to M 30, in my considered view, how it can be said that, he is the author of it and he has developed that habit ?

19. Besides this MW1 in the cross admits that, after 15th April, 1996 when Second Party was finally cautioned not to indulge in such writings, how he can be again charge sheeted, as giving caution or warning is a sort of punishment though it may be of lesser type. He also admits that, after 15th April 1996 i.e. after cautioning Second Party Workman he did not indulge in such activities and write any such letter inviting First Party to enquire into and blame him. So when he was initially punished by giving warning not to indulge in such activities and when it is a matter of record that, he did not wrote any such correspondence which according to First Party was pseudonymous or defamatory. In my considered view, how he can be again charge sheeted and asked to face trial and then how can be punishment of termination be served.

20. Number of citations are produced by the Second Party Workman with his written submissions which runs in

49 pages. Most of them are on the point of enquiry and action taken by the employer which does not permit the employer again to take such an action by making capital of the previous grievances. By citation published in 2003 LLR p. 937 G.V. Aswathanarayan Vs. Central Bank of India Karnataka High Court observed that, vagueness in the charge give benefit to the employee and keep liability on the employer to frame specific charge with full particulars. Another citation published in 2001 III CLR p. 655 Griffon Laboratories Pvt. Ltd. Vs. Maharashtra Shramik Sena and others, our Hon'ble High Court observed that, enquiry which is conducted on the basis of the vague charge sheet require to vitiate. Citation published in 2002(3) L.L.N. page 892 Ambika Prasad Sinha Vs. Union of India & ors. Patna High Court observed that if punishment is awarded earlier on the same ground for that, new enquiry can be initiated. Citation published in 2001(2) LLN page 586, Govindaraju Son of C.R. Puttaswamy Vs. Divisional Controller, Karnataka State Road Transport Corporation, Karnataka High Court observed that, when employee is once charge sheeted and tried cannot be again asked to face the same charges. Citation published in 2002 (III) LLN page 988, Mahesh Kumar Misra Vs. Mandla Balaghat Kshetriya Gramin Bank, Madhya Pradesh High Court observed that, the Chairman who was also the disciplinary authority, and deposed as a witness against the delinquent employee, observed that, such an enquiry is not fair observing that, witness cannot be judge. Citation published in 1999 LLR p. 735 Narayan Shankar Mukane Vs. Union Bank of India, our Hon'ble High Court observed that when charges are not proved such an employee is required to be reinstated with full consequential benefits. Citation published in I LLJ SC 1973 p. 278 Workmen of Firestone Tyre & Rubber Co. Vs. Management and ors. observes that, if domestic enquiry found defective in that case, the employer cannot be permitted to lead evidence. Citation published in 1994 II CLR p. 1090 Sundarlal Dhanraj Kasliwal Vs. Karmaveer Kakasaheb Wagh Sakhar Karnakhana Ltd. & ors. our Hon'ble High Court observed that, when charge sheet lacked essential particulars, benefit must be given to the weaker section i.e. to the employee and number of other citations which are on the point of back wages when employee says he is unemployed which is not disproved by the employer and employer has not led any evidence to show that, that the employee has source of income to pull on his family and observed that, in that case back wages must be given to such an employee who is victim of the game of the Management.

21. Considering all these facts discussed above, and the ratio laid down by number of Courts, I conclude that, action taken by the management in dismissing Second Party Workman Shriram S. Pai Raiturkar, Typist-cum-Clerk from his services w.e.f. 21st March, 1997 is not legal and justifiable.

22. It is a matter of record that, since 21st March, 1997 Second Party Workman did not work for First Party. It is a matter of record that he was cautioned. It is a matter of record that, by the work of the Second Party, First Party was not benefited. It is to be noted that the First Party is Bank which is a public undertaking which is protecting money and revenue deposit by we all people as a guardian of it. When Second Party did not work for First Party, from 21st March, 1997, still he was deprived to work on such flimsy grounds of writing anonymous and pseudonymous complaints. In my considered view, when the charges levelled against Second Party Workman were not proved, he is entitled for setting aside the punishment awarded to him. At the same time one has to consider the position of the First Party, its status, roll which it plays in the Society does not permit me to grant full relief of back wages to the Second Party Workman since he did not work for First Party.

23. Considering this, I conclude that, if I award 50% back wages to the Second Party, with directions to First Party to reinstate the Second Party workman Shriram S. Pai Riturkar as Typist-cum-Clerk's post would meet the ends of justice. Hence, the order :

ORDER

- (a) Reference is allowed;
- (b) First Party is directed to reinstate the workman Shriram S. Pai Raiturkar to his post of Typist-cum-Clerk by giving benefits of 50% back wages from 21 March, 1997 till he is legally entitled to work;
- (c) No order as to costs.

Mumbai,

3rd May, 2006

A. A. LAD, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 37/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/254/2004-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.37/2005) of the Central Government Industrial Tribunal-cum-Labour

Court, Dhanbad II now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 6-6-2006.

[No. L-2012/254/2004-IR(C-I)]
S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 37 of 2005

PARTIES

Employers in relation to the management of Kusunda Area of M/s BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee,
Authorised Representative.

On behalf of the employers : Mr. U.N. Lal,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 1st May, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/254/2004 dated, the 31st March, 2005.

SCHEDULE

"Whether the demand of the Bihar Colliery Kamgar Union from the management of East Busseria Colliery under Kusunda Area of M/s BCCL for regularising Shri Raghu Sao as Trammer is justified? If so, to what relief is Sri Raghu Sao entitled and from what date?"

2. In this case both the parties appeared and filed their respective Written Statement. Subsequently at the stage of filing documents a settlement petition has been filed under signature of both sides stating therein that the matter in issue has already been settled. Heard both sides and also perused the said settlement petition. It transpires

from the said settlement that the terms contained therein are fair, proper and in accordance with the principle of natural justice. Accordingly the same is accepted and an Award is passed in terms thereof which forms part of the Award as Annexure.

B. BISWAS, Presiding Officer

ANNEXURE

FORM 'H'

Memorandum of Settlement arrived at between the workman and the union with the Management of Kusunda Area on March, 2006 (See Rule 72).

Representing the Management : Representing the workman/union :

- | | |
|--|--|
| 1. Sri R. Kumar, Dy. CPM | 1. Sri D. Mukherjee,
Secretary, BCKU |
| 2. Sri S.K. Mukhopadhyay,
Project Officer, East
Busseria Colly | 2. Sri Bhola Chouhan,
Secretary, East
Busseria |
| 3. Sri R.K. Mishra,
Dy Personnel Manager | 3. Sri Raghu Saw,
UG Minor/Loader |

Short Recital of the Case

Sri Raghu Saw, UG Minor/Loader, East Busseria Colliery, P. No. 0247303 I was being engaged from time to time for working as Trammer against temporary vacancy caused due to Sick Leave/Absence of trammers. The B.C.K.U. union/workman had been demanding for his regularisation in as Trammer. An Industrial Dispute was raised by the union before the Asstt. Labour Commissioner (C), Dhanbad being I.D. No. 1/80/2002-II-6. The same had ended in failure as per F.O.C. report sent by the Conciliation Officer to the Ministry of Labour. The Ministry of labour and Employment has referred the present Industrial Dispute to the Hon'ble Central Government Industrial Tribunal No. 2, Dhanbad vide Order No. L-20012/254/2004-IR. (C-I) dated 31-3-2005 for adjudication.

2. That the Reference Case No. 37/05 is going on before the Central Government Industrial Tribunal No. 2, Dhanbad.

3. That the matter was discussed with the union and the workman at bi-partite level and finally decided to settle the issue on the following terms and conditions :

Terms of Settlement

1. That Sri Raghu Saw, UG Minor/Loader, East Busseria Colliery shall be regularised as Tyndal in Category IV against available vacancy with immediate effect.

2. That on regularisation his pay would be fixed at available stage with protection of SPRA being present paid in his case.

3. Thus this thus finally settles the Dispute for ever and no further dispute would be raised by the concerned workman at any forum/court at any stage in future.

4. That a copy of the above settlement would be filed before the Presiding Officer, CGIT No. 2, Dhanbad for passing a 'Settlement Award' in the above Reference Case.

5. That the copies of the Settlement shall be sent to the Labour Machinery for registration of the settlement as per provisions of the I.D. Act/Rules.

Representing the Management **Representing the workman**

- | | |
|--|---------------------|
| Sd/- | Sd/- |
| 1. (S. K. Mukhopadhyay)
Project Officer | 1. (Bhola Chouhan) |
| Sd/- | Sd/- |
| 2. (R.K. Mishra)
Dy. Personnel Manager | 2. (Raghu Saw) |
| Sd/- | Sd/- |
| 3. (R. Kumar)
Dy. CPM | 3. (Teklala Mahato) |

Witnesses

- छोटा भाकू मण्डल
- रजाक मियाँ

नई दिल्ली, 7 जून, 2006

का. आ. 2533.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 237/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/409/98-आई आर (सी-I)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 237/99) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad II, now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-6-2006.

[No. L-20012/409/98-IR(C-I)]
S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 237 of 1999

PARTIES

Employers in relation to the management of Block II OCP of M/s BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. N.G. Arun,
Organising Secretary,
R.C.M.S. Dhanbad

On behalf of the employers : Mr. R.N. Ganguly,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 8th May, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/409/98-C-I dated, the 21st April, 1999.

SCHEDULE

"Whether the action of the management in dismissing Sh. Natha Singh, Dumper Operator, Block II OCP of M/s. BCCL from service after 18 years of service on the ground of impersonation is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows:

The sponsoring union submitted that Shri Natha Singh was Dumper Operator at Block II OCP under Block II Area. They alleged that all of a sudden Dy. C.M.E./Agent Block II O.C.P issued a chargesheet against the concerned workman Natha Singh, Dumper Operator vide No. P.O./B.OCP/PD/CS/2817/93 dated 12-2-93 stating therein that the concerned workman was an impersonator and managed to enter into the services by fraudulent means at Alkusa Colliery of Kustore Area. It has also been alleged that in Form B register of that colliery father's name of Natha Singh is shown as Kapildeo Singh and date of appointment as 20-8-72. In reply to the said chargesheet the concerned

workman submitted that he is the second son of his father Late Kapildeo Singh and named as Tejnarain Singh alias Natha Singh. In the record of colliery he declared his name as Natha Singh because he is better known by the name of Natha Singh. In support of his claim he produced relevant papers, family register etc. They alleged that management without accepting the said reply initiated a domestic enquiry against him and the Enquiry Officer without giving him sufficient opportunity in his absence concluded that domestic enquiry illegally, arbitrarily and violating the principle of natural justice and submitted a report holding him guilty to the charges brought against him. The disciplinary authority after going through the enquiry proceedings, enquiry report and other related documents agreed with the findings of the enquiry officer and considering the gravity of misconduct committed by the workman concerned dismissed him from service w.e.f. 27-11-96. Accordingly they raised industrial dispute on behalf of the concerned workman before the ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass Award directing the management to reinstate the concerned workman to his service with full back wages and consequential reliefs setting aside the order of dismissal.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workman. They submitted that for committing serious misconduct on the allegation of impersonation a chargesheet was issued against the concerned workman by the management dt. 12/13-2-93 under clause 26-1-11 and 26-1-12 of the Certified Standing Order. They submitted that after receipt of the said chargesheet the concerned workman submitted his reply but as the reply given by him was not satisfactory the Disciplinary Authority initiated departmental enquiry against him and accordingly appointed enquiry officer to hold domestic enquiry. They submitted that the Enquiry Officer after taking charge of hearing of the enquiry proceeding issued notice to the concerned workman and he was allowed to take assistance also of co-worker at the time of hearing. When hearing of the enquiry proceeding commenced the concerned workman taking various plea started remaining himself absent and for which the Enquiry Officer was compelled to adjourn the hearing of the case on several dates and ultimately the Enquiry Officer compelled to take up hearing of enquiry proceeding in absence of the concerned workman as he did not agree to cooperate in any manner and after completion of enquiry he submitted his report holding the concerned workman guilty to the charges. The Disciplinary Authority thereafter considering the enquiry report and also other material aspect dismissed the concerned workman from his service. They submitted that the Disciplinary

neither committing any illegality nor took any arbitrary decision in dismissing the concerned workman from his service and accordingly they submitted prayer to pass award rejecting the claim of the concerned workman.

4. Points to be decided

“Whether the action of the management in dismissing Sh. Natha Singh, Dumper Operator, Block II OCP of M/s. BCCL from service after 18 years of service on the ground of impersonation is justified? If not, to what relief the concerned workman is entitled?”

5. Finding with reasons

It transpires from the record that before taking up the case on merit it was taken into consideration if domestic enquiry held against the concerned workman by the E.O. was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was disposed of vide Order No. 19 dt. 8-12-2005 in favour of the management. Now the point for consideration is if the management have been able to substantiate the charge brought against the concerned workman and secondly it has to be considered if there is any scope to review the order of dismissal issued against the concerned workman by the Disciplinary authority under Section 11A of the I.D. Act, 1947.

In course of hearing, the chargesheet was marked as Ext. M-1 and reply to the chargesheet given by the concerned workman was marked as Ext.M-2. It transpires from the chargesheet that the management have brought two specific charges against the concerned workman under clause 26.1.11 and 26.1.12 of the Certified Standing Order. Clause 26.1.11 deals with Fraud or dishonesty in connection with Company's business or property while clause 26.1.12 is in respect of giving false information regarding one's particulars for the purpose of employment or concealing any facts about previous employment, age or any other particulars required by the Company. Concerned workman in his reply disclosed that he was the second son of his father late Kapildeo Singh and named as Tejnarayan Singh alias Natha Singh. In the colliery records he disclosed his name as Natha Singh as he was well known by that name in the village. In support of his claim he relied on a settlement records of land owned by him and his brother and a copy of family register maintained by the Office of B.D.O. Murli Chapra, Dist. Balia for consideration. It transpires that as the reply given by him was not satisfactory the Disciplinary Authority initiated domestic enquiry against the concerned workman. From the enquiry proceeding papers it transpires that during initial stage of enquiry proceeding the concerned workman though regularly appeared started remaining himself absent subsequently. It is the specific allegation of the management that he started non-cooperation with the Enquiry Officer to complete hearing of the enquiry proceeding with mala

fide intention and ultimately finding no other way after giving sufficient opportunity the Enquiry Officer was compelled to close the hearing of the enquiry proceeding in absence of the workman. The enquiry report marked as Ext.M-7 has clearly pointed out how the concerned workman dragged on dates together to postpone hearing of the enquiry proceeding. Vide Order No. 19 dt. 3-12-2005 it was observed clearly considering all enquiry proceeding papers by this Tribunal that enquiry made by the Enquiry Officer against the concerned workman was fair, proper and in accordance with the principle of natural justice. Accordingly at this juncture there is little scope to discuss over the matter again. Now it is to be looked into if the management have been able to substantiate the charge brought against the concerned workman.

It is the specific allegation of the management that delinquent workman got his employment as listed casual worker at Alkusa Colliery, Kustore Area w.e.f. 12-7-78 impersonating Shri Natha Singh, I.D. No. 11591 and Colliery B Form Sl. No. 74 furnishing therein his father's name as Kapildeo Singh and date of appointment as 28-8-72 by fraudulent means. The allegation brought against the delinquent workman as mentioned above appears to be very much hazy. However, after receipt of the said chargesheet the delinquent workman submitted his reply herein he disclosed that he is the second son of his father late Kapildeo Singh and known as Tejnarain Singh alias Natha Singh. He further disclosed that in the colliery record he declared his name as Natha Singh as he was better known by that name in his village. In support of his claim he relied on settlement records of land owned by him jointly with his brother, a family register, photo copy of voter's list duly certified by the B.D.O. Accordingly he denied the allegation which was incorporated in the chargesheet issued to him. Now considering the chargesheet and reply given by the delinquent workman it reveals that he was the second son of his father late Kapildeo Singh and his actual name is Tejnarain Singh alias Natha Singh. But he uses his name as Natha Singh as he is very much known by this name in the village. Considering the chargesheet it transpires that there was another workman named Natha Singh whose I.D. No. was 11591 and whose particulars were recorded in Sl. No. 74 of the Form B Register of Alkusa Colliery under Kustore Area and who joined there on 28-8-72. Therefore, if this fact is taken into consideration according to the submission of the management in that case it should be taken into account that one Natha Singh who got his appointment on 28-8-72 at Alkusa Colliery was impersonated by delinquent workman. The chargesheet is silent if that original Natha Singh deserted his service and if so in which year. However, being dissatisfied with the reply given by the delinquent workman the Disciplinary Authority decided to hold domestic enquiry against him. Before issuance of chargesheet the matter was enquired into by the Vigilance Department of the management. Management's representative Mr. N.D. Gaur during hearing

of the enquiry proceeding was examined as MW. This witness disclosed that the delinquent workman identifying himself as Natha Singh son of Kapildeo Singh started working at Alkusa Colliery under Kustore Area since 12-7-78. That witness disclosed that original Natha Singh was an employee of the same colliery and his particulars were recorded in Sl. No. 74 of the Form B Register and his I.D. Card No. 11591 since 28-8-72. From the enquiry report it further transpires that Mr. Gaur, MR made a statement to the effect that initially the delinquent workman was posted as Fireman but subsequently he was posted at Block II Project as Dumper Operator by way of impersonation. While from the chargesheet marked as Ext.M-1 it transpires that delinquent workman secured employment as listed casual worker at Alkusa Colliery w.e.f. 12-7-78. I have failed to understand how he by way of impersonation started working in the same colliery as Dumper Operator. A listed casual worker cannot be allowed to discharge his duties as Dumper Operator as because the post of Dumper Operator is a cadre post while the listed casual worker comes under Category I. It is the specific allegation of the management that one Natha Singh got his employment as listed casual worker on 28-8-72. While taking the name of Natha Singh the concerned workman started working under the management at Alkusa Colliery w.e.f. 12-7-78 as Dumper Operator. Burden rests on the Management to establish how the delinquent workman taking the name of Natha Singh started working there. management is absolutely silent what was the fate of original Natha Singh. They are also absolutely silent how this Natha Singh i.e. the delinquent workman joined at Alkusa Colliery as listed worker while according to the statement of Mr. Gaur, the MR it has been exposed that he was a Dumper Operator. The very vital witness who could highlight this matter was original Natha Singh who got his employment under the management of Alkusa Colliery on 28-8-72. It transpires that management did not consider necessary to examine that Natha Singh as witness before this Tribunal. management in course of hearing of the enquiry proceeding examined Shri Balaram Prasad, Sr. Inspector. This witness during his examination by the E.O. disclosed that they received a complaint from one Natha Singh son of Mahadeo Singh, P.O. Village Dekoti, Thana Biria, Dist. Balia, U.P. to the effect that by way of impersonation someone in his place was working at Alkusa Colliery w.e.f. 22-1-76 as casual/Badli worker. Shri Prasad, Sr. Inspector in course of enquiry at village Dekoti met its Pradhan Shri Rajnarain Singh and from him he came to know that Tejnarain Singh alias Natha Singh was the son of Kapildeo Singh. It has been further disclosed during the said enquiry by Shri Prasad that in the same village there was another person named as Mahadeo Singh who had two sons and out of the two sons one son was named as Ramnatha Singh but commonly was known as Natha Singh. This fact Shri Prasad collected during interrogation of the Pradhan of that village. Therefore, if this fact is taken into consideration it will

expose that in the said village Dekati there were two persons named Kapildeo Singh and Mahadeo Singh. The son of Kapildeo Singh while known as Tejan Singh alias Natha Singh, the son of Mahadeo Singh was Ramnath Singh who also was commonly known as Natha Singh. It is not clear from the enquiry report if that Ramanath Singh son of Mahadeo Singh was a casual worker of Alkusa Colliery since 28-8-72. Until and unless this fact is proved beyond reasonable doubt there is no scope to arrive into definite conclusion that Ramnath Singh son of Mahadeo Singh was a workman of Alkusa Colliery and he was impersonated by the delinquent workman Natha Singh who happened to be son of Kapildeo Singh and secondly absolute burden rests on the management to establish how the delinquent workman according to enquiry report became Dumper Operator while according to the chargesheet he was designated as listed casual worker. I have already discussed above that listed casual worker in no circumstances can be designated as Dumper Operator. The delinquent worker Natha Singh is a Dumper Operator as admitted by the management but according to the chargesheet the allegation of impersonation has been brought against the delinquent workman who is a listed casual worker. It is the management who should account for this gross anomaly which has been exposed in the chargesheet as well as in the very statement of witnesses as recorded by the E.O. relating to designation of delinquent workman. It is the specific allegation that delinquent workman is not the genuine Natha Singh. Such Serious allegation, it was expected to be dealt with seriously by the management with a view to expose the truth. It is seen that a superficial enquiry was done against the delinquent workman. Based on that superficial enquiry the E.O. decided that the delinquent workman by way of impersonation started working at Alkusa Colliery in the name of Natha Singh. The E.O. remained silent how in place of original Natha Singh the delinquent workman started working there. It is seen that the E.O. very cleverly avoided to clear this fact for the reason best known to him. It is settled principle of the management that if a listed casual worker for months together does not turn up to his place of duty his name from the roll of the management is struck down. If it is taken into consideration that the original Natha Singh stopped working under the management it has to be established what step management took against that workman. Management also cannot avoid their responsibilities to reveal how a workman who remained absent for a long period was allowed to work in the same place taking the name of original workman Natha Singh. It is the contention of the management that original Natha Singh was a listed casual worker at Alkusa Colliery. It is the allegation of the management that by false impersonation the delinquent workman taking the name of Natha Singh started working at Alkusa Colliery. It is very hard to swallow such story of the management. Will it be possible for a person to work in the same colliery in the same category

washing the eyes of the managerial and supervisory staff taking the name of Natha Singh. Consciously that he was not the actual person. As the allegation which has been brought against the delinquent workman appears to be very serious one absolute burden rests on the management to establish that the delinquent workman by false impersonation started working at Alkusa Colliery in the name of Natha Singh as Dumper Operator. It has been admitted by the management that original Natha Singh was a listed casual worker and the delinquent Natha Singh initially started working as Fireman and thereafter he became Dumper Operator. It is not the case of the management that a listed casual worker Natha Singh got his promotion as Fireman and thereafter as Dumper Operator and in that capacity he deserted his job and in his place delinquent Natha Singh i.e. concerned workman started working as per job nomenclature as the post of listed casual worker cannot be equated with the post of Dumper Operator. It is the management who should explain how the delinquent workman by way of impersonation started working at Alkusa Colliery as Dumper Operator taking the name of Natha Singh who was originally a listed casual worker.

After careful consideration of all facts and circumstances discussed above I find no hesitation to say that the management lamentably have failed to establish the allegation of impersonation against the delinquent workman. Accordingly I hold that the Disciplinary Authority illegally and arbitrarily violating the principle of natural justice dismissed the concerned workman from his service and for which management cannot avoid their responsibilities to reinstate him in service. In the result, the following Award is rendered :

“The action of the management in dismissing Shri Natha Singh, Dumper Operator, Block II OCP of M/s. BCCL from service after 18 years of service on the ground of impersonation is not justified. Consequently, the concerned workman is entitled to be reinstated in his original job w.e.f. the date of his dismissal with 30% back wages and other consequential benefits.”

The management is directed to implement the Award within three months from the date of its publication in Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2534. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 05/2003) को

प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/574/2001-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 05/2003) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-6-2006.

[No. L-20012/574/2001-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 05 of 2003

PARTIES

Employers in relation to the management of Katras
Area of M/s. B.C.C.L and their workmen.

APPEARANCES:

On behalf of the workman : Mr. S. N. Goswami,
Ld. Advocate

On behalf of the employer : Mr. U.N. Lal, Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 8th May, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/574/2001-IR(C-I) dated, the 10th December, 2002.

SCHEDULE

“Whether the demand of the union for regularising Sri Gaya Ram in the post of Dumper Operator Excvn. Grade “D” from the management of Ram Kanali Colliery of M/s. BCCL is justified ? If so, to what relief is the concerned workman is entitled and from what date ?”

2. The case of the concerned workman according to written statement submitted by him in brief is as follows :

Concerned workman submitted that he is a permanent employee of R.K.O.C.P., Ramkanali Colliery of Katras Area IV under the management. He submitted that he was initially employed at Salanpur Colliery as Miner Loader on 29-12-1992 and thereafter he was transferred to Ramkanali Colliery along with 15 other workmen to perform the job of Dumper Operator (trainee) vide office order No. IV/PD/4048 dt. 3/4-7-1996 and since then they are performing the said duty continuously and without any interruption.

He submitted that he is by caste a ‘Harijan’ and possess Heavy Driving Vehicle Licence bearing Licence No. 439/93 PE with academic qualification as class VIII pass. Accordingly, he submitted representation to the management to designate him as Dumper Operator in Excavation Grade ‘D’ with pay scale and other benefits as providing to other Dumper Operators.

He submitted that thereafter management by office order vide No. R.K.C.O./PD/OO/96/1289 dt. 20/21-8-1996 designated him along with five other workmen as Dumper Operator (T) at R.K.C.O.P., Ramkanali Colliery on the basis of recommendation of the Selection Committee vide office order No. IN/PD/4048 dt. 3/4-7-1996. Thereafter, the Agent/Manager of Ramkanali Colliery issued Form of Appointment of Competent Person as required under clause 36(3) of Coal Mines Regulation, 1957 bearing No. 13 on 24-6-1997 and made authorisation as Dumper Operator at R.K.O.C.P. Ramkanali Colliery. He submitted that since 1996 he is performing his duties as Dumper Operator continuously but management instead of releasing his wages as Dumper Operator in Excvn. Group B, is paying wages of Category I in arbitrary manner. Accordingly, he submitted several representations to the management for his regularisation as Dumper Operator Excvn., Grade ‘D’ but to no effect and for which he raised an Industrial Dispute before ALC(C) for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The concerned workman accordingly, submitted prayer to pass award directing the management to regularise him in the post of Dumper Operator Grade ‘D’ w.e.f. 4-7-1996 and thereafter Grade ‘C’ & ‘B’ in accordance with the norms of gradation which he is legally entitled along with consequential relief and difference of wages.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement.

They submitted that the concerned workman was initially appointed at Salanpur Colliery as Miner/Loader. He was transferred to Ramkanali Colliery along with others to gain experience and also to learn the job of Driver (T) vide office order No. IV/PD/4048 dt. 3/4-7-1996. They

submitted that on scrutiny it was detected that the concerned workman was appointed against spl. V.R.S. (F) Scheme.

They disclosed that under Spl. V.R. (F) Scheme Company formulated a policy not to divert workers from their original post designated as Miner/Loader and for which an undertaking was also given by the mother and son before consideration for appointment. They submitted that the case of the concerned workman could not be considered due to above reason. They submitted that thereafter the concerned workman raised an Industrial Dispute for conciliation arbitrarily violating the policy of the management. Accordingly, they submitted prayer to pass award rejecting the claim of the concerned workman.

4. Points to be decided

“Whether the demand of the union for regularising Sri Gaya Ram in the post of Dumper Operator Excvn. Grade “D” from the management of Ram Kanali Colliery of M/s. BCCL is justified? If so, to what relief is the concerned workman is entitled and from what date?”

5. Finding with reasons

It transpires from the record that the concerned workman with a view to substantiate his claim did not consider necessary to adduce any evidence.

Management on the contrary examined one witness as M.W. I in support of their claim.

Considering the facts disclosed in the pleadings of both sides and also considering evidence of M.W. I there is no dispute to hold that the concerned workman was initially appointed as piece rated Miner/Loader at Salanpur Colliery. It is admitted fact that the said workman along with other workmen were transferred to Ramkanali Colliery to gain experience and also to learn the job of Driver.

Contention of the concerned workman according to facts disclosed in his written statement that management by office order No. R.K. C.O./PD/OO/96/1289 dt. 20/21-8-1996 placed him along with five others designating as Dumper Operators (T) in Cat. I on the basis of recommendation of the Selection Committee vide office order No. IN/PD/4048 dt. 3/4-7-1996 and on verification of H.M.V. Licence and educational certificates. He submitted that as Dumper Operator (T) he worked under the management continuously and also being authorised by them participated in training time to time. He disclosed that as per job nomenclature he deserved to be placed in Excavation Group B, Grade II as Dumper Operator. His allegation is that instead of placing him in that grade management still paying wages of Cat. I though his co-workers were regularised in Excav. Gr. E.

On the contrary M.W. I during his evidence disclosed that the concerned workman got his appointment as Miner/

Loader at Salanpur Colliery in the year 1992 under V.R. (F) Scheme in place of his mother. This witness further disclosed that as per policy of the management there is no scope at all for diversion of job of any worker from one category to other grade, specially under the V.R. (F) Scheme.

This witness admitted that as per order dt. 10/13-8-1996 concerned workman along with 15 others were placed as Trainee Driver (Exht. M-1). However, he disclosed that as per clause 7 of the V.R. (F) Scheme 1995 there was no provision for conversion of piece rated worker to any other time rated or monthly rated job (Exht. M/5). Clause 7 of the said scheme has clearly pointed out that the dependant son should be given an undertaking in writing that he will not press/claim for conversion to Time rated or monthly rated job on any pretext at a later date. It is further contention of the management that in course of hearing of conciliation proceeding this fact was placed before ALC(C) by way of written submission dt. 5-10-2001 (Exht. M/2). Area Personnel Manager, Katras Area by letter dt. 10-4-2002 addressed to Dy Chief Personnel Manager (IR) (Exht. M/3) reiterated the policy of the management not to divert workers from their original designation of appointment as a Miner/Loader to any other designation. They submitted that the case of the concerned workman was referred to H. Qr. Koyla Bhawan but the same was not also endorsed by the H. Qr.

Considering the facts and circumstances discussed above there is no dispute to hold that under V.R. (F) Scheme in place of his mother the concerned workman was appointed as Miner/Loader at Salanpur Colliery. Clause 7 of the Scheme has clearly pointed out that the workman should not in future place any claim for change of category/grade taking any plea and to that effect he had to submit an undertaking. Accordingly, there is reason to believe that concerned at the time of his entry in service was very much aware of this restriction in the matter of switching of one grade to another grade as he executed an undertaking at that time.

It is fact that the concerned workman was transferred to Ramkanali Colliery as Dumper Operator (T). Contention of the management is that not only this workman but also other workmen (Exht. M/1) were not allowed for diversion of job.

As such decision is a policy decision of the management there is no scope for its violation on the part of the management until and unless the said policy is changed or modified. Considering the facts and circumstances there is sufficient reason to believe that concerned workman was very much aware of this policy of the management but in the written statement submitted by him he did not make any whisper to this effect. On the contrary taking the plea that as he belonged to ‘Harijan’ community management caused injustice to him. I should say that the concerned workman suppressing the actual picture intended to create a story of his victimisation in the hand of the management.

Ample opportunity was given to the concerned workman to establish his claim. It is seen that in spite of getting such opportunity he failed to adduce any evidence either oral or documentary. As facts disclosed in the written statement can not be considered as substantive piece of evidence without its corroboration by cogent evidence I find no scope to uphold his contention that management illegally and arbitrarily violating the principle of natural justice rejected claim for his regularisation as Dumper Operator.

In the result the following award is rendered :

"That the demand of the Union for regularising Sri Gaya Ram in the post of Dumper Operator Grade-D from the management of Ram Kanali Colliery of M/s. BCCL is not justified.

Consequently the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 116/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/225/2000-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 116/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workmen, which was received by the Central Government on 6-6-2006.

[No. L-20012/225/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 116 of 2000

PARTIES

Employers in relation to the management of Tapin South Colliery of M/s. C.C.Ltd. and their workmen.

APPEARANCES:

On behalf of the workman : Mr. K. Chakraborty,
Ld. Advocate

On behalf of the employer : Mr. D. K. Verma,
Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 2nd May, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/225/2000 (C-I) dated, the 29th September, 2000.

SCHEDULE

"Whether the action of the management of Tapin South Colliery of M/s. Central Coalfield Ltd. in not protecting the previous wages and SPRA of S/Sri Ganesh Ram and 26 others as per annexure at the time of regularisation in time rated job is justified and legal ? If not to what relief the concerned workmen are entitled ?"

2. The case of the concerned workmen according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workmen were originally appointed as permanent piece rated workers in Group V-A. They submitted that as the management needed time rated workmen the office order dt. 26-10-1996 directed the concerned workmen to work in time rated job. In pursuance of the said order they started working in different time rated jobs and management started paying them Cat. I wages and S.P.R. A. without taking into consideration the actual performance and actual category. They submitted that though the concerned workmen were deployed in higher category in time rated job till then the management started paying them only Cat. I wages and S.P.R. A. from 1996 to October 1997.

They disclosed that the management by an office order dt. 30-9-97/1-10-97 regularised the concerned workmen in time rated category I and started paying them Cat. I wages without giving any protection of their wages which they used to draw as piece rated group wages. They further submitted that as per N.C.W.A. though the concerned workmen are entitled to draw higher category of wages till then the management started paying them

minimum wages of Cat. I without giving wage protection of their piece rated group wages and S.P.R.A. which they are legally bound to pay.

They submitted that inspite of submitting representation to that effect as the management refused to give pay protection they raised an Industrial Dispute before ALC(C), Hazaribagh for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer to pass award directing the management to fix wages of the concerned workmen giving protection of group wages & S.P.R.A in time rated job with retrospective effect along with consequential benefits.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted for the concerned workmen.

They submitted that the concerned workmen were designated as piece rated workers to perform different kinds of piece rated jobs and received payments on the basis of quantity of works performed by them and according to rate fixed for group VA which is the highest wages in respect of the piece rated workers. As there was no fixed rate of wages there was scope of fluctuation of wages depended on the works to be performed by piece rated workers.

They submitted that on the contrary time rated workers get the time scale fixed on the daily rated basis. They perform completely different nature of jobs and system of payment of their wages are also different.

It has been submitted by the management that the concerned workman while were engaged as piece rated workers offered to perform time rated job as they considered it suitable. As per the policy of the Company, the entry in the time rated category is made from category I and wages are fixed at the initial stage though time to time they are entitled to get promotion from category I to category II, III and soon according to different cadre scheme.

They disclosed that as the concerned workmen submitted their options in writing for their absorption as time rated workers in category I with initial start management accepted their options and converted them as time rated workers on the basis of their individual declarations.

They submitted that the concerned workmen never made any demand for their protection of wages at the time of their conversion as time rated workers in Cat. I from piece rated workers. They further submitted that after their regularisation in 1996 they without raising any dispute started working as time rated workers in Cat. I with fixation of their wages at initial stage. They raised this dispute in 2000 with some ulterior motive.

Accordingly, they submitted that as the demand of the concerned workman has no basis they are not entitled

to get any relief and for which their prayer is liable to be rejected.

4. Points to be decided

“Whether the action of the management of Tapin South Colliery of M/s. Central Coalfield Ltd. in not protecting the previous wages and SPRA of S/Sri Ganesh Ram and 26 others as per annexure at the time of regularisation in time rated job is justified and legal ? If not, to what relief the concerned workmen are entitled ?”

5. Finding with reasons

It transpires from the record that the sponsoring union inspite of getting sufficient opportunity did not consider necessary to adduce evidence on their part. Management on the contrary examined one witness as MW.I

Considering the facts disclosed in the pleadings of both sides and also considering evidence of MW. I. I find no dispute to hold that the concerned workmen were originally piece rated workers of Tapin South Colliery. Contention of the sponsoring union is that by an office order dt. 30-9-97/1-10-97 management regularised the concerned workmen in time rated category I wages at the initial stage without giving any pay protection. They disclosed that the concerned workmen would draw group wages while they were engaged as piece rated worker but when management regularised them as time rated workers stopped payment of the said group wages and for which they incurred financial loss which the management refused to remove inspite of giving repeated representations. It is their contention that when management regularised them as time rated workers from piece rated workers they are entitled to get higher category of wages than category I wages with pay protection of group wages and S.P.R.A. but management illegally and arbitrarily refused pay the same.

On the contrary contention of the management appears to be quite different. They submitted that the service condition of the piece rated workers are not only quite different from the service condition of the time rated workers but also the nature of job which they perform are quite different. They disclosed that piece rated workers are eligible to draw wages according to the quantity of works done by them. There is no fixed rate of wages and for which their wages are fluctuated time to time. It is their further contention that according to the nature of job the piece rated workers are placed in group I to group VA. Such gradation, however, is not applicable in case of time rated workers. Their wages are fixed on daily rated basis. Time of work for the time rated workers are also fixed. The workers of time rated scale are divided in different categories according to the nature of job and skill required for performance of such job. They further disclosed that where

there is no promotional channel of the piece rated workers the same is very much open for the time rated workers. Referring Section 9 of the I.D. Act they submitted that as the service condition of the piece rated workers are quite different from that of the time rated workers, there is no scope for conversion of a piece rated workers to time rated workers without their consent and without acceptance of offer given to them by the management. It has been categorically submitted by the management that the concerned workmen were converted to time rated workers in view of written option given by them accepting minimum wages in category I. The written option which the concerned workmen gave during evidence of M.W. I were marked as Exht. M-1 series. These consent letters have exposed clearly that the concerned workmen accorded their full consent for switching over their category. It is seen from the office order dt. 26-10-06/9-11-96 marked as Exht. M.-1 that management based on the written consent of the concerned workmen converted them to time rate category as they agreed to accept minimum wages of Category I.

It is seen from the reference in issue that the sponsoring union raised Industrial Dispute in the year 1999, i.e., three years after their conversion from piece rated category to time rated category. Contention of the management is that the dispute which the sponsoring union raised after a lapse of three years is baseless. It is their contention that service condition of those two categories, i.e., piece rated category and time rated category are quite different and independent and for which there is no provision at all to claim pay protection on their conversion from that piece rated category to time rated category.

Considering submission of the management I find no dispute to hold that the service condition and nature of job which a piece rated worker performs are absolutely different from that of the time rated workers. According to the service condition a piece rated workers remains in the same position so long he works under the management. There is no avenue of promotion which is very much applicable to time rated workers. Based on the same it has been submitted by the management that conversion of category cannot be considered either as promotion as regularisation and for which there is no scope to give pay protection of their wages when a piece rated worker on his own option is converted to time rated category.

Considering submission of both sides there is no dispute to hold that the service condition of piece rated workers in any circumstance cannot be equated with the service condition of time rated workers. It further transpires that the concerned workmen submitted their written option for change of their service condition from piece rated category to time rated category. They in the written option agreed to accept the wages to be fixed at the initial stage of category I. Therefore, it is clear that management did not take any decision over conversion of their service condition beyond their knowledge. Accordingly burden of proof rests

on the sponsoring union to establish that violating the terms and conditions of service management fixed wages of the concerned workmen at the initial stage of Cat. I wages. In course of hearing in spite of getting scope the sponsoring union has failed to produce any evidence on their part to that effect. S.P.R.A. is a special allowance given only to the piece rated workers as per their service condition and nature of job performed by them. It cannot be termed as basic wages of a piece rated workman and therefore, question of pay protection does not arise on their conversion to time rated workers.

Accordingly, after consideration of all the facts and circumstances discussed above there is no scope to draw any conclusion that management illegally and arbitrarily deprived the concerned workmen from protecting wages on their conversion to time rated category. As the sponsoring union has failed to substantiate their claim based on cogent evidence the concerned workmen are not entitled to get any relief.

In the result the following award is rendered :

“That the action of the management of Tapin South Colliery of M/s Central Coalfield Ltd. in not protecting the previous wages and S.P.R.A. of Sri Ganesh Ram and 26 others as per annexure of reference at the time of regularisation in time rated job is justified and legal.

Consequently, the concerned workman are not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 121/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/533/2000-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 121/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-6-2006.

[No. L-20012/533/2000-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial dispute under section
 10(1)(d) of the I.D. Act, 1947

Reference No. 121 of 2001

PARTIES :

Employers in relation to the management of Kuya
 Colliery under Bastacolla Area of M/s BCCL and
 their workman.

APPEARANCES :

On behalf of the workman : Mr. N. G. Arun,
 Representative of the
 workman.

On behalf of the employers : Mr. S. N. Sinha, Ld.
 Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 8th May, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/533/2000 (C-I) dated, the 29th March, 2001.

SCHEDULE

"Whether the action of the management of M/s BCCL in not regularising the service of the workman Sri Arjun Bhuia as Dumper Khalasi of Kuya Colliery under Bastacolla Area is justified, legal and proper? If not, to what relief is the workman entitled and from what date?"

2. The case of the management in brief is that the concerned workman is a permanent Drillman at Kuya Colliery and working in that capacity w.e.f. 10-5-1999. They submitted that the concerned workman was never posted as Dumper Khalasi or Dumper Driver and accordingly question of his regularisation in the said post never arose. They disclosed that on getting training of S.D.L. job from 16-4-1999 to 5-5-1999 he was deployed as S.D.L. operator from the date mentioned above.

Accordingly they submitted prayer to pass award rejecting his claim.

It transpires from the record that though sponsoring union appeared in the instant case did not consider necessary to submit any written statement on behalf of the concerned workman in spite of giving sufficient

opportunity. Accordingly the case was fixed for ex parte hearing.

3. Points to be decided

"Whether the action of the management of M/s. BCCL in not regularising the service of the workman Sri Arjun Bhuia as Dumper Khalasi of Kuya Colliery under Bastacolla Area is justified, legal and proper? If not, to what relief is the workman entitled and from what date?"

4. Finding with reasons

In course of hearing of the instant case ex parte management also declined to adduce any evidence. Sponsoring union though appeared did not consider necessary to submit any written statement on behalf of the concerned workman. Management also when the case was fixed for ex parte hearing declined to adduce any evidence.

As per reference the point for consideration is whether the claim of the sponsoring for regularising the service of the concerned workman as Dumper Khalasi/ Dumper Driver of Kuya Colliery under Bastacolla Area is justified or not. Management after filing written statement submitted that the concerned workman after getting training of S.D.L. job from 16-4-1999 to 5-5-1999 was deployed as S.D.L. operator w.e.f. 10-5-1999. Accordingly they submitted that the claim of the union for his regularisation as Dumper Driver Khalasi after one year of his deployment as S.D.L. operator is not justified and for which such demand cannot be acceded to.

In course of hearing representative of the management submitted that the post of S.D.L. operator and the post of Dumper Khalasi/Driver are quite different and for which on getting training of S.D.L. operator a workman cannot place his claim for his regularisation in the post of Dumper Khalasi.

Mr. N. G. Arun, representative of the concerned workman who was present at the time of hearing in spite of giving opportunity failed to give any satisfactory explanation how a S.D.L. operator is eligible to get his regularisation in the post of Dumper Khalasi. The sponsoring union in course of hearing failed to produce a single scrap of paper with a view to substantiate their claim. Accordingly, there is no scope at all to uphold the submission of the sponsoring union for his regularisation as Dumper Khalasi Driver. In view of the facts and circumstances discussed above I hold that the claim of the sponsoring union appears to be absolutely baseless and for which the concerned workman is not entitled to get any relief.

In the result the following award is rendered :

"That the action of the management of M/s. BCCL in not regularising the service of the workman Sri Arjun

Bhuia as Dumper Khalasi of Kuya Colliery under Bastacolla Area is justified.

Consequently the concerned workman named above is not entitled to get any relief."

B. BISWAS Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 295/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/115/99-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 295/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-6-2006.

[No. L-20012/115/99-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial dispute under Section
10(1)(d) of the I.D. Act., 1947

Reference No. 295 of 1999

PARTIES

Employers in relation to the management of Loyabad Colliery of M/s BCCL and their workman.

APPEARANCES:

On behalf of the workman : Mr. G. Prasad, Ld. Advocate

On behalf of the employer : Mr. H. Nath, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 11th May, 2006

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/115/99-IR (C-I) dated, the 18th August, 1999.

SCHEDULE

"Whether the dismissal of Sri Ram Swaroop Das. Permanent Miner by the management of Loyabad Colliery of M/s. BCCL, Sijua Area No. V w.e.f. 21-5-1998 is legal, justified & proper? If not, what relief workman is entitled to?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring Union submitted that the concerned workman was a permanent workman of Loyabad Colliery. They submitted that on 1-12-1994 the concerned workman came to his place of work with a view to resume his duty but instead of allowing him to join his duty he was asked to take permission from Personnel Officer of the Colliery. Accordingly, he approached Sri C. M. Singh, Personnel Officer to allow him to join his duty but instead of giving permission he assaulted him severely for which he had to take his admission in the hospital. Over that incident not only a strike was called on but also a F.I.R. was lodged against him. They submitted that in course of the said incident C. M. Singh Personnel Manager threatened to dismiss him from service if the F.I.R. lodged against him was not withdrawn. They alleged that management without any cogent reason stopped the concerned workman from his work w.e.f. 13-8-1996. Accordingly, they raised an Industrial Dispute over the said dispute. They submitted that during pendency of hearing of that conciliation proceeding management illegally and arbitrarily dismissed him from his service w.e.f. 25-5-1998 and for which they were again compelled to raise Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted in reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer to pass award directing the management to reinstate the concerned workman to his service with full back wages and consequential relief.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was a Miner/Loader at Loyabad Colliery. He was issued a charge

sheet bearing No. 68/5/97 dt. 15-1-1997 for his unauthorised absence from duty since 14-8-1996 under clause 26 : 1 : 1 of the Certified Standing Orders applicable to the workmen of the Company. After receipt of the said chargesheet he submitted his reply but as the reply given by him was not satisfactory the Disciplinary Authority initiated domestic enquiry against him through Enquiry Officer. They submitted that in course of hearing of the said enquiry proceeding concerned workman not only was present but also full opportunity was given to him to defend his case. They submitted that after completion of the hearing of the said enquiry proceeding the Enquiry Officer submitted his report holding the concerned workman guilty to the charges brought against him. They disclosed that the Disciplinary Authority considering the said enquiry report and also considering all aspects dismissed the concerned workman from his service w.e.f. 21-5-1998.

They submitted that Disciplinary Authority neither committed any illegality nor took any arbitrary decision in dismissing the concerned workman from his service and for which he is not entitled to get any relief in view of his prayer.

4. Points to be decided

“Whether the dismissal of Sri Ram Swaroop Das, Permanent Miner by the management of Loyabad Colliery of M/s BCCL, Sijua Area No. V w.e.f. 21-5-1998 is legal, justified & proper ? If not, what relief workman is entitled to ?”

5. Finding with reasons

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration if domestic enquiry held against the concerned workman by the Enquiry Officer was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was disposed of in favour of the management vide order No. 8 dt. 6-10-04.

Now the point which is required to be taken into consideration is if the management have been able to substantiate the charge brought against the concerned workman and if so whether there is any scope to review the order of his dismissal based on the provision as laid down under Section 11-A of the Industrial Disputes Act.

Considering the facts disclosed in the pleadings of both sides there is no dispute to hold that the concerned workman was a miner loader at Loyabad Colliery. It is admitted fact that management issued a chargesheet to him vide No. 68/5/97 dt. 15-1-1997 for his committing misconduct on the ground of unauthorised absence as per provision laid down under clause 26 : 1 : 1 of the Certified Standing Order. After receipt of the said chargesheet concerned workman submitted his reply. In course of hearing the chargesheet and reply given by the concerned workman were marked as Exht. M-1 and M-1/2 respectively.

It transpires from the chargesheet that the same was issued to him as he remained on unauthorised absent from duty without giving any intimation or taking prior permission from the management w.e.f. 14-8-1996 till 15-1-1997 i.e. the date of issuance of chargesheet to him. Concerned workman in his reply to the chargesheet has brought an allegation of harassment against the management but in support of his claim he has failed to produce any cogent evidence. It is the specific allegation of the management that he remained himself on unauthorised absent without giving any intimation or taking prior permission from the management during the period from 14-8-1996 till 15-1-1997. Further allegation of the management is that he was in the habit of remaining himself absent from duty and during 1993, 1994, 1995 & 1996 he put his attendance for 184 days, 172 days, one day and 124 days respectively (Exht. M-1/3). Therefore, it goes without saying that the concerned workman was in the habit of remaining himself absent from duty as of his choice. Accordingly, burden rests on him to establish that the allegation which the management as per chargesheet brought against him was unjustified or false. I have carefully considered all materials on record and there is sufficient reason to hold that the concerned workman in course of hearing has failed to establish that he went on leave being sanctioned by the management or gave due intimation about the reason of his absence. Therefore, there is sufficient reason to hold that he was on unauthorised absent during the period in question and this fact the management have well established in course of hearing. Therefore, I hold that the concerned workman has committed misconduct on the ground of unauthorised absence under clause 26 : 1 : 1 of the Certified Standing Order and the management have been able to substantiate the charge brought against him.

It transpires from the record that the Disciplinary Authority after considering the enquiry report and other material aspects dismissed the concerned workman from his service. The said order of dismissal during hearing was marked as Exht. M-1/20.

According to Sec. 11-A of the I.D. Act, 1947 :

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.”

Now the point which is to be considered is whether the said order of dismissal issued against the concerned workman was justified and proportionate to the misconduct committed by him and if so whether there is any scope to review the said order according to the provision of Sec. 11-A of the I.D. Act.

Considering the facts and circumstances discussed above I find no dispute to hold that the concerned workman remained absent from duty w.e.f. 14-8-1996 till date of issuance of chargesheet dt. 15-1-1997 without any sanctioned leave or without taking permission from the management. Even he did not consider necessary to give any intimation to the management in that regard.

From the chargesheet markd as Exht. M/1, it transpires that concerned workman was given an opportunity to submit reply to that chargesheet within 48 hours after its receipt.

Clause 27 : 1 of the Certified Standing Order deals with imposition of minor penalty if charge brought against any workman is established. According to this provision where a workman is charged with a misconduct which may lead to imposition of a minor penalty, he shall be informed in writing of the allegations made against him and shall be given an opportunity to explain his conduct within 48 hours. However, in case of imposition of major penalty under clause 27 : 2 he shall be informed in writing of the allegation against him and shall be given an opportunity to explain his conduct within a period of seven days. The minor penalties while have been defined in clause 29 : 1 the major penalties have been defined in clause 29 : 1 (ii) of the Certified Standing Orders. Therefore, there is no scope to impose major penalty in a charge if proved which deserves minor penalty. Here in the instant case management issued chargesheet to the concerned workman giving 48 hours time to submit his reply. Therefore, if the provision as laid down in clause 27 : 1 of the Certified Standing Order is taken into consideration it will expose clearly that intention of the management was to impose minor penalty if the charge is proved against him. According to this provision there was no scope at all to impose major penalty i.e. to dismiss a workman from his service.

In the instant case it has been exposed very clearly that management though issued chargesheet to the concerned workman directing him to submit his reply within 48 hours as per provision of clause 27 : 1 of the Certified Standing Order with the object to impose minor penalty if charge is proved deviating its directives dismissed him from service which amounts to major penalty.

In course of hearing management have failed to justify their decision in dismissing him from service though he deserved minor penalty. There is no dispute to hold that management violating the provisions of Certified Standing Order passed the said order of dismissal which I consider is absolutely unjustified and not proportionate to the

misconduct committed by him. Accordingly, the order of dismissal issued against the concerned workman deserves to be set aside.

In the result the following award is rendered :

"That the dismissal of Sri Ram Swaroop Das, permanent miner by the management of Loyabad Colliery of M/s. BCCL of Sijua Area No. V w.e.f. 21-5-1998 was not legal and justified and for which the said order of dismissal is set aside.

Management is directed to reinstate the concerned workman to his service w.e.f. the date of his dismissal. However, the concerned workman will not be entitled to get any back wages and other consequential relief.

This order will be implemented by the management within three months from the date of publication of the award in the Gazette of India."

B. BISWAS, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 41/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/135/92-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 7th June, 2006

S.O. 2538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/93) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 6-6-2006.

[No. L-20012/135/92-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial dispute under section
10(1)(d) of the I.D. Act, 1947

Reference No. 41 of 1993

PARTIES

Employers in relation to the management of Kuju Colliery of M/s CCL, PO : Kuju, Dist. Hazaribagh.

APPEARANCES

On behalf of the workman : Mr. C. Prasad,
Ld. Advocate

On behalf of the employers : Mr. D. K. Verma,
Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 8th May, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (135)/92-IR (Coal-I) dated, the 4th May, 1993.

SCHEDULE

“Whether the termination of Shri Shyam Lal Mahato, an Ex-P.R.W. in Kuju Colliery by the management of Kuju Colliery of CCL is legal and justified ? If not, what relief Shri Shyam Lal Mahato is entitled to ?”

2. The case of the concerned workman according to written statement submitted by him in brief is as follows :

The concerned workman submitted that he was appointed as piece rated worker being the dependant son-in-law of Sri Sadhu Manjhi under land loser Scheme by the management based on the terms of agreement. He alleged that the management hatched up a plan to come out from the said agreement and as a part of that plan they issued a chargesheet-cum-suspension order against him vide No. PO/KC/DA/84/780-84 dt. 20/21-1-1984 on the allegation that he was not the genuine dependant of the land loser and by impersonation he fraudulently procured his service. He disclosed that on receipt of the said charge sheet he submitted his reply denying the charges brought against him but management without accepting his reply initiated domestic enquiry against him and appointed enquiry officer to take up hearing of the enquiry proceeding. He alleged that in course of hearing of the said enquiry proceeding the enquiry officer did not give proper opportunity to defend his case. Moreover, at the influence of the Deputy Commissioner Hazaribagh a criminal case also was instituted against him u/s 419/420/468/471 I.P.C. which was registered as G. R. case No. 201/89. The said criminal case was tried by the Judicial Magistrate 1st Class, Hazaribagh and he was acquitted of all the charges brought against him. He submitted that in course of his trial in the said case his father-in-law Sadhu Manjhi appeared deposed in his favour.

He submitted that during pendency his trial in the court of the Judicial Magistrate enquiry officer concluded hearing of the enquiry proceedings and submitted his perverse report holding him guilty to the charges brought against him.

He alleged that based on that perverse report of the enquiry officer the Disciplinary Authority illegally, arbitrarily and violating the principle of natural justice dismissed him from service.

Accordingly, he raised an Industrial Dispute before ALC(C), Hazaribagh for conciliation which ultimately resulted reference to this Tribunal for adjudication.

He in the circumstances submitted his prayer to pass award directing the management to reinstate him in service recalling that order of dismissal with full back wages and consequential reliefs.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement.

They submitted that the concerned workman Shyam Lal Mahato posing himself as son-in-law of Sri Sadhu Manjhi got himself employed as piece rated worker at Kuju Colliery by letter dated 3-4-1982 in the capacity of the dependant son-in-law of Sadhu Manjhi under land loser scheme. They submitted that Sri Sadhu Manjhi belonged to Scheduled caste community and his land was acquired by the management for which due compensation was paid to him. As a part of policy decision management decided to provide employment to the dependant of a land loser and for which it was obligatory on the part of the said land loser to declare his nominee out of his dependants with a view to get employment under the management.

They submitted that following the same process Sri Sadhu Manjhi was also given opportunity to declare his nominee out of his dependants and accordingly he nominated the concerned workman declaring that he was his son-in-law and the concerned workman was provided employment as a piece rated worker by letter dated 9-4-1982.

They submitted that subsequently on receipt of a complaint to the effect that the concerned workman was not the son-in-law of Sadhu Manjhi and tempting him by way of financial allurements got declaration that he was his son-in-law. They alleged that both the concerned workmen and Sadhu Manjhi are guilty of making false declaration relating to their relationship with the intention to cheat the management for wrongful gain in some form or others. Accordingly, a charge sheet dt. 20-1-1983 was issued against the concerned workman for committing misconduct of dishonesty in connection with the Company's business and securing employment by making false declaration that he was the son-in-law of Sadhu Manjhi though he had no manner of relationship with him. They submitted that after receipt of the charge sheet concerned workman submitted his reply but as it was not satisfactory the Disciplinary Authority initiated domestic enquiry and appointed Mr. B. N. Singh, Administrative Officer of the G. M. Office, Kuju

Colliery as Enquiry Officer. The said Enquiry Officer in presence of the concerned workman conducted domestic enquiry where full opportunity was given to him to defend his case. They submitted that after completion of the hearing of the said enquiry proceeding enquiry officer submitted his report holding him guilty to the charges brought against him. The Disciplinary Authority, thereafter, considering the report and all other aspects dismissed him from service. They submitted that as Disciplinary Authority did not commit any illegality in dismissing the concerned workman from service he is not entitled to get any relief in view of his prayer.

4. Points to be decided

“Whether the termination of Shri Shyam Lal Mahato, an Ex-P.R. W. in Kuju Colliery by the management of Kuju Colliery of CCL is legal and justified ? if not, what relief Shri Shyam Lal Mahato is entitled to ?”

5. Finding with reasons

It transpires from the record that as the management in course of preliminary hearing failed to establish the fairness of the domestic enquiry opportunity was given to them to adduce evidence on merit. Accordingly during hearing on merit management examined one witness as M.W.I.

It is the specific allegation of the management that the concerned workman Shyam Lal Mahato posing himself as son-in-law and dependant of Sri Sadhu Manjhi procured employment under the management as a piece rated worker at Kuju Colliery under land loser scheme. It is their contention that on receipt of a complaint they came to know that the concerned workman was not the son-in-law of Sadhu Manjhi and he by giving financial allurements induced him and obtained a declaration to the effect that he was his son-in-law and thereby falsely procured his employment under the management. They alleged that both Sadhu Manjhi and the concerned workman were guilty of making false declaration relating to their relationship with the intention to cheat the management for wrongful gain. Accordingly a charge sheet was issued against the concerned workman for committing misconduct of dishonesty in connection with the Company's business and for getting employment by making false declaration to the effect that he was the son-in-law of Sadhu Manjhi though he had no manner of relationship with him.

M.W.I during his evidence disclosed that Dy. Commissioner by his letter No. 3830/C dt. 28-11-1983 informed the G.M., CCL to the effect that the concerned workman by false impersonification got his employment. This witness further disclosed that the said Dy. Commissioner along with that letter sent all papers relating to the enquiry done against the concerned workman by SDO, Sadar, Hazaribagh.

It is seen that management thereafter issued charge sheet against the concerned workman and a domestic enquiry was initiated accordingly.

Considering the facts disclosed in the written statement submitted by the management and also considering evidence of M.W. I it transpires that management got information of the fact relating to getting service of the concerned workman by way of false impersonification in two ways viz. (1) they received a complaint from otherwise source, (2) from the letter No. 3830/C dt. 26-11-83 issued by the Dy. Commissioner, addressed to the G.M.

It is seen that the Disciplinary Authority issued a charge sheet against the concerned workman and thereafter initiated domestic Enquiry against him. Mr. B.S. Singh, Administrative Officer, was appointed as Enquiry Officer to conduct hearing of the enquiry proceeding. It is the contention of the management that after completion of enquiry said Enquiry Officer submitted his report and based on the said report he was dismissed from service. It transpires that an FIR was also lodged against the concerned workman u/s 419/420/468/471 IPC which was registered as GR Case No. 2979/86. After trial the accused i.e. concerned workman was acquitted from that case as the prosecution failed to substantiate the charge brought against him. The Certified copy of the Judgement in course of hearing was marked as Exht. W/1.

It is fact that there is no bar to proceed with the hearing of domestic enquiry independently in view of charge sheet issued against the delinquent by the management though a criminal case was initiated against him by the State.

It is the specific claim of the management that the concerned workman claiming himself to be the son-in-law of Sadhu Manjhi by false personification procured employment under the management. Further allegation of the management is that Sadhu Manjhi was equally involved in procuring employment of the concerned workman under the management. The allegation which management has brought against the concerned workman is no doubt very serious in nature.

Accordingly, initial burden rests on the management to establish the charge brought against the concerned workman. It is seen that in course of hearing management have failed to produce any paper relating to enquiry proceedings conducted by the Enquiry Officer against him. As such there is no scope at all to ascertain on the basis of which material fact the Enquiry Officer found the concerned workman guilty to the charge brought against him. Management also in course of hearing have failed to produce the enquiry report submitted by the Enquiry Officer based on which he was dismissed from service. It transpires that excepting charge sheet and letter of dismissal

the management during hearing of the instant case on merit has failed to produce any material paper to substantiate their claim. M.W.I. during his evidence on merit disclosed that it was Deputy Commissioner who by letter No. 3830/C dt. 26-11-1983 informed the G.M., CCL that the concerned workman by false personification procured his service under the management. In support of that allegation said Dy. Commissioner forwarded all papers relating to enquiry done by SDO, Hazaribagh to the management. In spite of claiming so management in course of hearing failed to produce all those papers which could have been considered as most important papers to establish the charge brought against him.

With utter surprise it is noticed that the management during hearing failed to examine Sadhu Manjhi or his family members. They even failed to examine any independent witness to establish that said Sadhu Manjhi had no daughter. I find no hesitation to say that ignoring gravity of the charge management in a most reluctant mood proceeded with the hearing of this case. There was ample scope on the part of the management to produce the complaint petition which they received containing allegations made against the concerned workman and Sadhu Manjhi. They also had the scope to examine the complainant as witness to substantiate the allegation, in question, but with utter surprise it is noticed that they did not consider necessary to examine him. It is the contention of the management that they had sufficient papers based on which it was established that the concerned workman by way of false impersonification procured his service. In spite of claiming so at the time of hearing for reasons best known to them they have failed to produce any such paper.

Accordingly, on careful consideration of all the facts and circumstances I find no hesitation to say that management have lamentably failed to establish the charge brought against the concerned workman. In view of this position the order of dismissal issued against him is liable to be set aside.

In the result the following award is rendered :

“That the termination of Sri Shyam Lal Mahato, an Ex-P.R. W. in Kuju Colliery by the management of Kuju Colliery was not legal and justified.

Accordingly, management is directed to reinstate the concerned workman to his service recalling his order of dismissal, within three months from the date of publication of award in the Gazette of India.”

B. BISWAS, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद II के पंचाट (संदर्भ संख्या 59/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-6-2006 को प्राप्त हुआ था।

[सं. एल-20012/771/97-आई आर (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 7th June, 2006

S.O. 2539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 6-6-2006.

[No. L-20012/771/97-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 59 of 1999

PARTIES :

Employers in relation to the management of Golakdih Colliery of Bestacolla Area of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman : Mr. K. Chakraborty &
Mr. D. Mukherjee, Ld.
Advocates

On behalf of the employer : Mr. D.K. Verma, Ld.
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 2nd May, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the power conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/771/97-IR (C-I) dated, the 18th January, 1999.

SCHEDULE

“Whether the demand of the union for the employment of dependent Sri Rajesh Kumar Yadav S/o Late Saraswati Kamin, Ex-miner Loader of Golakdih colliery of BCCL is justified ? If so, to what relief the dependent of the workman is entitled to ?”

2. The case of the petitioner workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that Smt. Saraswati Kamin was a permanent workman at Golakdih Colliery. She died on 10-12-1979 in harness. They submitted that at the time of death her son, i.e. the petitioner was minor and the fact was brought to the notice of the management who assured them to take sympathetic view for his employment on attaining his majority. In view of that assurance they submitted that the petitioner on attaining his majority submitted application with full particulars with a prayer for providing his employment on compassionate ground as per provision of N.C.W.A. but his that prayer was rejected by the management illegally, arbitrarily and violating the principle of natural justice.

Accordingly, through sponsoring union he raised an Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer to pass award directing the management to provide employment to the petitioner workman on compassionate ground as per provision of N.C.W.A.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the petitioner/workman.

They submitted that the petitioner Rajesh Kumar Yadav S/o Late Saraswati Kamin submitted application for his employment to the management on compassionate ground as per provision of clause 9 : 4 : 3 of N.C.W.A. in the year 1994, i.e., about 14 years after the death of his mother Smt. Saraswati Kamin.

They submitted that provision of para 9 : 4 : 3 of the N.C.W.A. does not create any right in perpetuity in favour of a dependent who is not a workman as per the Industrial Dispute Act, 1957. They submitted that the said para was incorporated in N.C.W.A. to give relief to the distress family so that the family members do not starve for stopping of main source of income due to death of the bread earner of the family.

They submitted that immediately after the death of the deceased workman Smt. Saraswati Devi, no application was submitted before the management by her dependant

for employment so that her family could be saved from starvation.. They disclosed that as there was no provision to keep reserve of any post for future employment it was not possible for the management to consider such prayer of the petitioner workman and accordingly his prayer was rejected.

They submitted that the petitioner/workman is not entitled to get relief as the management neither committed any illegality nor took any arbitrary decision in rejection his prayer and for which he is not entitled to get any relief.

3. Points to be decided

“Whether the demand of the union for the employment of dependent Sri Rajesh Kumar Yadav S/o Late Saraswati Kamin, Ex-miner Loader of Golakdih Colliery of BCCL is justified ? If so what relief the dependent of the workman is entitled to ?”

4. Finding with reasons

It transpires from the record that the sponsoring union did not consider necessary to adduce evidence either oral or documentary with a view to substantiate their claim. Management on the contrary in support of their claim examined one witness.

Considering the facts disclosed in the pleadings of both sides and also considering evidence of M.W.I. there is no dispute to hold that deceased worker Late Saraswati Kamin was a quarry miner at Golakdih Open Cast Project. It is admitted fact that she died in harness on 10-12-1979.

Contention of the sponsoring union is that the petitioner Rajesh Kumar Yadav@ Dudhnath Bilaspuri is the son of said Saraswati Kamin and he was minor when his mother died on 10-12-1979. They submitted that after the death of said Saraswati Kamin her relative submitted representation to the management for employment of her son on attaining his majority on compassionate ground as per provision of N.C.W.A. They submitted that after attaining majority the petitioner/workman submitted representation to the management furnishing his full particulars with a prayer for providing employment on compassionate ground according to the provision of N.C.W.A. but they alleged that his such prayer was turned down by the management illegally, arbitrarily violating the principle of natural justice.

M.W.I. who deposed in this case being representative of the management disclosed that the petitioner/worker submitted his application for employment on compassionate ground in the year 1994 which the local management forwarded to H. Qr. at Koyla Bhawan for consideration but the same was rejected on belated ground and the said order dt. 25/30-11-1995 during his evidence was marked as M.W.I.

Considering the facts and circumstances of the case and also considering evidence of M.W.I. there is no dispute

to hold that Late Saraswati Kamin was an employee of Golakdih Open Cast Project under the management. It is admitted fact that when the said female worker died on 10-12-1979 she had a son who was minor and this fact will get its support from the admission of the sponsoring union.

As per clause 9 : 4 : 2 of N.C.W.A. there is provision for employment of the dependant of the worker who dies in harness. Therefore, according to this provision a dependant of the deceased worker is eligible to get his employment on compassionate ground if that dependant after the death of the deceased worker submits application and fulfils the conditions which accrues eligibility to that effect

In the instant case it transpires that Late Saraswati Kamin died in harness on 10-12-1979. The petitioner/workman submitted application for his employment in the year 1994, i.e., after a lapse of about 14 years of the death of his mother. In course of hearing it was submitted by the sponsoring union that the petitioner as was minor at that relevant time he did not get scope to submit application to the management for his employment on compassionate ground. However his relative submitted application at that time to the management for his future employment on compassionate ground on attaining his majority. In course of hearing the sponsoring union failed to produce a scrap of paper in support of such claim. Accordingly, there is no scope to give any importance to such claim which they ventilated in the written statement.

No doubt that there is provision in N.C.W.A. for employment of the dependant of the deceased worker on compassionate ground. Such provision has been laid down with a view to give protection to the family members of the deceased worker so that they are not starved owing to premature death of the breadearner of the family. Here in the instant case the sponsoring union failed to establish that owing to death of his mother the petitioner/workman had to pass his days in the midst of serious financial distress. In exceptional case there is scope for consideration of future employment but burden of proof is on the sponsoring union to establish that exceptional circumstance which can support for consideration of future employment. Here in the instant case the sponsoring union in spite of getting ample opportunity did not consider necessary to adduce any evidence. It is to be borne in mind that facts disclosed in the pleading cannot be considered as substantiated substantive piece of evidence until and unless the same is substantiated by cogent evidence. There is no scope to consider such prayer of the sponsoring union just based on the facts disclosed in their written statement.

Accordingly on careful consideration of all the facts and circumstances I find no hesitation to say that the sponsoring union has lamentably failed to establish their claim that though Late Saraswati Kamin died long years

back her son is eligible to get his employment based on future vacancy.

In the result the following award is rendered :

"That demand of the union for employment of dependant Sri Rajesh Kumar Yadav S/o Late Saraswati Kamin, Ex-minor Loader of Golakdih Colliery of BCCL was not justified.

Consequently the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 7 जून, 2006

का. आ. 2540. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 175/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2006 को प्राप्त हुआ था।

[सं. एल-22012/32/89-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 7th June, 2006

S.O. 2540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 175/89) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.E.C.L. and their workman, which was received by the Central Government on 7-6-2006.

[No. L-22012/32/89-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/175/89

Shri C.M. Singh, Presiding Officer

The Secretary,
Chhattisgarh Swatantra Mazdoor Union,
Baraduar, Post Baraduar,
Distt. Bilaspur-495001. ... Workman/Union

Versus

The Sub Area Manager,
SECL, Rajgamar Colliery,
Post Rajgamar Colliery,
Distt. Bilaspur ... Management

AWARD

Passed on this 26th day of May, 2006

The Govt. of India, Ministry of Labour vide its Notification No. L-22012(32)/89-IR (Coal-II) dated 19-9-89 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Sub Area Manager, Rajgamar Colliery of M/s S.E.C. Ltd., Bilaspur in dismissing Shri Bhagat Ram from services is justified ? If not, to what relief the workman concerned is entitled ?”

2. The case of workman Shri Bhagat Ram in brief is as follows. That he was working as a loader at Incline Nos. 4 & 5 of Rajgamar Colliery. He was initially appointed as loader w.e.f. 4-6-73. He was dismissed from service by the management on 11-6-86 vide order No. Raj/SAM/CS/2237-47 dated 11-6-86 illegally. He was dismissed from service during pendency of proceeding before CGIT-Cum-Labour Court, Jabalpur and Industrial Court, Indore without prior permission. He was office bearer of Chhattisgarh Swatantra Mazdoor Union and he was dismissed from service to victimise him for taking part in the Union activities. That no proper enquiry was made and opportunity was not given to him to defend before his dismissal. The management violated the principle of natural justice and labour laws. The action of the management of Sub Area Manager, Rajgamar Colliery in dismissing the workman from service is not justified. It is prayed by the workman that he be reinstated with back wages from 11-6-86 with continuity of service.

3. The management contested the reference and filed their written statement. The case of management in brief is as follows. Workman Shri Bhagat Ram was working as loader in Rajgamar Colliery. It was reported that on 1-3-86 at about 4.25 PM, when Shri AC Roy Burman, Manager, Nos. 4 & 5 Incline of Rajgamar Colliery was supervising the repairing of pump at the colliery workshop, workman Shri Bhagat came there with a lathi and other weapons in violent mood, tried to assault him on his head with lathi, abused him and acted in violent manner. Because of the aforesaid action, he was issued with a charge-sheet dated 2-3-1986. Instead of submitting reply to the aforesaid chargesheet, he applied for a Hindi version of the charge sheet. The copy of chargesheet in Hindi was given to him. Even after supplying the same, he did not submit any reply. As such vide order dated 29-3-86 Shri B.R. Singh was appointed as Enquiry Officer to conduct an enquiry into the charges levelled against workman Shri Bhagat Ram. The Enquiry Officer vide letter dated 5-4-86 has fixed the first sitting of the enquiry on 8-4-86 at 5 PM. On that date, workman Shri Bhagat Ram did not appear in the enquiry. According to the records of the management's letter dated 5-4-86 was received by the workman on 6-4-86. Even though he had notice about the enquiry being held on 8-4-86 he did not appear in the enquiry. The Enquiry Officer however with a view to accord

one more opportunity, adjourned the enquiry to 11-4-86 and notice to that effect was issued to the workman on 8-4-86. On 11-4-86 also the workman Shri Bhagat Ram did not turn up. The notice of enquiry being held on 11-4-86 was received by the workman. The Enquiry Officer waited for the workman till 11.15 AM but he did not turn up nor any information was received from him. As such the Enquiry Officer proceeded ex parte with the enquiry. During the enquiry, the management examined Shri AC Roy Burman, Shri Gaya Prasad, Shri Bachan Ram, Shri Kalpanath, Shri Laxman and Shri Mohd. Anish as their witnesses. On the basis of findings of the Enquiry Officer, he was dismissed from the service by the competent authority vide order dated 11-6-86. The management conducted the enquiry against the workman legally and properly following due procedure of law. The workman was given every opportunity to participate in the enquiry and to defend himself but he deliberately failed to participate in the enquiry. It has been pleaded by the management that the tribunal be pleased to decide as preliminary issue regarding legality of enquiry conducted by the management and if the Honourable Tribunal for any reason whatsoever comes to the conclusion that the enquiry has not been properly held, in that case, the management seeks permission of this Honourable Tribunal to prove the misconduct on merit. It has been further pleaded by the management that the workman had indulged in serious act of stopping work, abuse and assault of co-workers and superior officers. Such an employee is dangerous and creating hindrance in good industrial peace and discipline. Reinstatement of such an employee should never be granted and the management has no confidence in such an employee. That workman Shri Bhagat Ram has been previously also issued with charge-sheets for assaulting and abusing in the colliery. He was issued with chargesheets on 4-2-81, 15/19-7-82, 19/23-12-82 and 4-3-83 also. The workman is in the habit of indulging in unruly behaviour assaulting officers and taking the law in his own hands. Such an employee cannot be retained in service by the management. It has also been pleaded on behalf of management that no proceeding involving the workman was pending before the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur or the Industrial Tribunal, Indore. Even otherwise there was no necessity for taking any permission in the facts and circumstances of the case. It has been specifically denied by the management that the workman was dismissed from service to victimise him for his Union activities. It is prayed by the management that the Honourable Tribunal be pleased to hold that the action of the management in terminating the services of the workman is fully justified and the workman is not entitled to any relief.

4. For proving its plea that the enquiry was conducted legally and properly, the management has examined Shri B.R. Singh, the then working as Colliery Manager at 4/5 Incline, Rajgamar Colliery.

का. आ. 2541. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स एवरसाइन क्लियरिंग एण्ड फारवर्डिंग प्रा. लि. के प्रबंधन के संबंध में नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं-2, मुम्बई के पंचाट (संदर्भ संख्या 2/83/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2006 को प्राप्त हुआ था।

[सं. एल-39012/7/2003-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th June, 2006

S.O. 2541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/83/2005) of the Central Government Industrial Tribunal/Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the management of M/s Evershine Clearing & Forwarding Pvt. Ltd., and their workmen, which was received by the Central Government on 7-6-2006.

[No. L-39012/7/2003-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. II, MUMBAI

PRESENT:

A.A. Lad, Presiding Officer

Reference : CGIT-2/83 of 2005

Employers in Relation to the Management of

M/s. Evershine Clearing & Forwarding Private Limited.

The Director,
M/s. Evershine Clearing & Forwarding Pvt. Ltd.,
127/129, Desai Chambers,
2nd Floor, Room No. 207,
Modi Street, Fort,
Mumbai-400 001.

AND

Their workmen

Shri Shridhar Khanvilkar,
Gaikwar Chawl, Room No. 8,
Govdhavi Takadi, Sarvodaya Nagar,
Bhandpur (West), Mumbai-400 078.

Date of passing of Award 9th May, 2006.

AWARD

Reference was sent by the Under Secretary, Government of India, Ministry of Labour by correspondence dated 2nd June, 2004 in exercise of powers conferred under

clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. Evershine Clearing and Forwarding Pvt. Ltd., Mumbai, in terminating the services of Shri Sridhar Khanvilkar is legal and justified? If not, what relief is the disputant concerned entitled to?”

2. Notice was sent to both parties i.e. First Party and Second Party. In response to the notices sent to them Second Party Workman come with the purshis (Exhibit 3) stating that he has settled his dispute out of Court. Said purshis is taken on record by Exhibit 3 after verifying that it is signed by him and presented by him in person, admitting the contents of it, where it is mentioned that he settled the dispute. Relying on it I proceed to dispose of the Reference by passing following order :

ORDER

(a) In view of Exhibit 3 Reference of Shri Sridhar Khanvilkar is disposed of ;

(b) No order as to costs.

Mumbai,
9th May, 2006.

A. A. LAD, Presiding Officer

श्री श्रीधर जयराम खानविलकर,
गायकवाड चाल, रूम नं. 8,
सर्वोदय नगर,
भांडुप (पश्चिम)
मुम्बई-400074

दिनांक : 9-5-2006

मा. प्रा. मुख्य अधिकारी,
केन्द्रीय सरकार औद्योगिक अधिकरण,
संख्या 2 मु के समक्ष,
मुम्बई।

मा. महोदय साहेब

विषय : केस क्र. सी.जी.आई.टी.-2/83/2005

मी आपणांस विनंती पुर्वक अर्ज करतो करू इच्छितो की, उपरोक्त दाव्या संदर्भात मी श्रीधर जयराम खानविलकर असे लिहून देतो की।

आच्या कंपनीच्या शेट बरोबर चालू असलेल्या दाव्यामध्ये आम्ही दोघांनी समेट (समजोता) घडवून आला आहे।

तरी मी बरील दावा स्वखुशीने परत घेत असुन मे एव्हरशाईन कलेरींग अँड फोरवर्डिंग प्रा.लि. या कंपनी विरुद्ध माझा येथुन पुढे माझा कोणत्याही प्रकारचा दावा नाही हे मी सहखुशीने कोर्टास कलवु इच्छित आहे।

दिनांक : 9-5-2006

(श्री श्रीधर ज. खानविलकर)

नई दिल्ली, 8 जून, 2006

का. आ. 2542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. -2, धनबाद के पंचाट (संदर्भ संख्या 81/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2006 को प्राप्त हुआ था।

[सं. एल-12012/61/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th June, 2006

S.O. 2542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 81/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, which was received by the Central Government on 7-6-2006

[No. L-12012/61/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

Reference No. 81 of 2004

PARTIES

Employers in relation to the management of Bank of India, Muzaffarpur and their workmen.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Banking

Dated, Dhanbad, the 17th May, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/61/2004/IR (B-II), dated, the 23rd June, 2004.

SCHEDULE

"Whether the demand of the management of Bank of India, Muzaffarpur Zone, Muzaffarpur in terminating the services of Shri Ganesh Sah, Casual workman w.e.f. 20-2-2003 is legal and justified? If not, what relief Shri Ganesh Sah is entitled to?"

2. The case of the concerned workman according to Written Statement submitted by him in brief is as follows :

The concerned workman submitted that he was orally appointed by the Branch Manager, Darbhanga branch of Bank of India on 14-5-87 to discharge his duties of Sweeper/Peon on daily wages basis. He submitted that after getting his appointment he used to perform his duty from 8 A.M. to 6 P.M. and sometimes even beyond that as per requirement of the management. He further submitted that management used to pay him wages through vouchers and the amount used to be credited to his Savings Bank account monthwise. His daily wages @ Rs. 60 per day. He alleged that in spite of performing his job diligently management without giving him any notice stopped him from his work w.e.f. 20-2-2003. He submitted that during the period from 14-5-87 to 20-2-2003 he worked under the management regularly and put his attendance for more than 240 days in each year. He alleged that management illegally, arbitrarily and violating the principle of natural justice terminated him from his service and for which he raised an industrial dispute before the ALC(C) for conciliation which ultimately resulted in reference to this Tribunal for adjudication.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his Written Statement.

They submitted that the claim of the concerned workman is completely misconceived, inasmuch as, no right of Bank's permanent employment can accrue to a person, merely for the reason that he was allowed to work as a casual labourer. They categorically denied the fact that the concerned workman worked for more than 240 days in a block or 12 months and every year. They submitted that the Bank being a Public Sector organisation cannot afford to provide regular employment to such claimant as it would be a violation of the laid down Government guidelines, which inter alia require that any permanent recruitment in the Bank's Sub-Staff Cadre must be effected only after following the prescribed procedure of calling the candidates through Employment exchanges, carrying out interviews, and finally selecting the most suitable from amongst the eligible candidates. They categorically denied the fact of growing up any employer and employee relationship in between the Bank and the concerned workman. They submitted that in case of exigencies different branches of the Bank under the management sometimes require to engage some daily wages workers for carrying out some

casual nature of work which is purely temporary in nature and for which payments are made strictly on day to day basis and engagement of such persons expires at the end of the day every day. They submitted that such persons are engaged at random, depending upon availability without following any eligibility criteria pertaining to age, educational qualifications etc. They submitted that in the instant case the concerned workman was provided work by the Bank's Branch only till the work was available and as such, the action of the Branch Manager not to engage him after the work was over cannot be considered as unjustified or termination of his service by the Bank. Accordingly management submitted that claim of the concerned workman for his regularisation is absolutely unjustified and for which he is not entitled to get any relief.

4. Points to be decided

"Whether the action of the management of Bank of India, Muzaffarpur Zone. Muzaffarpur in terminating the services of Shri Ganesh Sah, Casual workman w.e.f. 20-2-2003 is legal and justified? If not, what relief Shri Ganesh Sah is entitled to?"

5. Finding with reasons

It transpires from the record that the instant case was fixed for ex parte evidence of the workman as the management failed to appear with a view to take appropriate steps at the time of hearing. In spite of fixing the case for ex parte hearing the concerned workman also failed to adduce any evidence. Accordingly there is no other way but to close the case for passing an Award Suo moto. In view of this situation there is no other way but to answer the reference on the basis of the facts disclosed in the pleadings of both sides.

It is the specific contention of the concerned workman that he was engaged by the management of Darbhanga Branch of Bank of India as Sweeper/Peon w.e.f. 14-5-87. He disclosed that after his engagement he used to perform his duties from 8 A.M. to 6 P.M. and sometimes it would cross beyond the schedule hours. He disclosed that in that capacity he worked continuously upto 20-2-2003 and during this period he put his attendance for more than 240 days in a block of 12 months each year. He alleged that on 20-2-2003 management stopped his work without giving any notice or paying him any retrenchment compensation. His specific allegation is that though he continuously rendered his service from 14-5-87 till 20-2-2003 management illegally, arbitrarily and violating the principle of natural justice terminated him from his service. He disclosed that against his work management to pay him wages @ Rs. 60 per day through vouchers which he used to deposit in his own Savings Bank account for encashment. On the contrary the contention of the management is that the concerned workman was engaged absolutely on temporary basis day to day to undertake certain jobs absolutely temporary in nature. They categorically denied

the fact that the concerned workman worked either under the management continuously from 14-5-87 to 20-2-2003 or put his attendance for more than 240 days in each calendar year. They submitted that as the Bank is a statutory organisation they are to maintain the guidelines framed strictly in the matter of recruitment of any sub-staff. They disclosed that if any vacancy comes in for the post of sub-staff the names of eligible persons are called for from the Employment Exchange and when the names of eligible persons are sponsored by the Employment Exchange due process is followed for selection of candidate to engage him as regular sub-staff under the management. They submitted further that local branch authority do not have any authority to engage any person for taking up work of sub-staff. They further submitted that question of putting attendance by the concerned workman for more than 240 days in a year never arose as because of the fact that the local management only is competent to engage any casual worker absolutely daily wages basis to take up some work which are absolutely casual in nature. In view of such circumstances there is no scope at all for any casual worker to work continuously under the management. Now considering the facts disclosed in the pleadings of both sides it transpires that the local management engaged the concerned workman to perform certain jobs in the branch Bank. It is the specific claim of the concerned workman that he was engaged by the management to perform the job of sub-staff from 14-5-87 and in that capacity he worked continuously upto 20-2-2003. When such specific claim has been asserted by the concerned workman he cannot avoid his responsibility to establish his such claim. Question of issuance of notice as per the provision laid down under Section 25F of the I.D. Act comes in if it is established that he worked under the management continuously for not less than one year and thereafter he was retrenched by the management. Excepting the claim placing in the Written Statement in spite of giving ample opportunity the concerned workman has failed to produce a single scrap of paper to show that as sub-staff he was appointed by the management and worked in that capacity continuously from the month of May, 1987 to February, 2003. In the Written Statement concerned workman admitted that the management used to pay him wages through vouchers and the said vouchers used to be deposited in his Savings Bank account for encashment. Therefore, Bank Pass Book would have been considered as vital document to establish if the concerned workman worked continuously under the management as sub-staff for the period mentioned above. It should be borne in mind that the facts disclosed in the Written Statement cannot be considered as substantive piece of evidence until and unless the facts which he relied on are supported by material evidence. As the concerned workman in spite of getting ample opportunity has failed to substantiate his claim at this stage based on the facts disclosed in the Written Statement there is no scope to arrive into conclusion that management engaged him as

sub-staff w.e.f. 14-5-87 and worked there continuously till 20-2-2003 and thereafter illegally and arbitrarily he was retrenched by the management without giving any notice under Section 25F of the I.D. Act, 1947. Accordingly in view of the facts and circumstances discussed above I hold that the concerned workman has lamentably failed to establish his claim, he is not entitled to get any relief. In the result, the following Award is rendered :

"The action of the management of Bank of India, Muzaffarpur Zone, Muzaffarpur in terminating the services of Shri Ganesh Sah casual workman w.e.f. 20-2-2003 is legal and justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 15 जून, 2006

का. आ. 2543.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भिलाई स्टील प्लांट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 39/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2006 को प्राप्त हुआ था।

[सं. एल-26012/15/91-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 15th June, 2006

S.O. 2543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/92) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhilai Steel Plant and their workman, which was received by the Central Government on 15-6-2006.

[No. L-26012/15/91-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/39/92

Shri C. M. Singh, Presiding Officer.

The Secretary,
Samyukta Khadan Mazdoor Sangh (AITUC),
P.O. Dallirajhara,
Distt. Durg (M.P.)

..... Workman/Union

Versus

The Managing Director,
Bhilai Steel Plant,
Bhilai, Distt. Durg (M.P.)

.....Management

AWARD

Passed on this 29th day of May, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-26012/15/91-IR (Misc.) dated 13-2-1992 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Bhilai Steel Plant in relation to their Mahamaya Mines in terminating the services of Shri S. L. Sahu, P. No. 211057, Weigh Bridge Clerk w.e.f. 14-2-1990 is lawful and justified ? If not to what relief the workman is entitled to ?"

2. The case of workman/Union in brief is as follows. That workman Shri S. L. Sahu, P. No. 211057 was employed as Weigh Bridge Clerk in Mahamaya Mines of Bilaspur. He has put in 13 years of regular service and had maintained although a clean record of service when all of a sudden, he was charge-sheeted vide Memorandum No. MM(M)/Estt./Disc./88/307 dated 26-3-1988. The charge levelled against him is as under :—

"That Shri S. L. Sahu, P. No. 211057 of Mahamaya Mines while functioning as Weigh Bridge Clerk during the period Feb. 1986 to December 1986 committed gross misconduct inasmuch as he wilfully and deliberately made alteration/temperings and abetted in making such alterations/tamperings in the original copies of Production DATA-B for February 1986 to July 1986 and December 1986 after getting them signed by the Mines Manager (Mahamaya) and before handing them over to E.D.P. thereby inflating the earnings of the gangs, resulting in excess payment to many DPR workmen of Mahamaya Mines".

In pursuance of the above charge, an Enquiry was held and the Enquiry Officer vide his findings held as under :—

"Found guilty of committing an act of misconduct inasmuch as he abetted in making alterations/tamperings by the C.S.E.-1, in the Wage Payment Documents of D.P.R. Mazdoors of Mahamaya Mines."

In pursuant to the above findings, the services of the workman were terminated w.e.f. 14-2-1990. That the departmental enquiry conducted against the workman has a number of defects, irregularities and illegalities. The Enquiry Officer recorded his findings without properly appreciating the evidence on record. The charge levelled against workman Shri S. L. Sahu has been abetment of committing misconduct by another employee Shri L. L. Balihare.

Mining Mate (CSE-I). As a matter of fact, the enquiry was conducted against both workmen Shri S. L. Sahu and Shri L. L. Balihare. The workman has denied the charge framed against him and pleaded innocence. As per Enquiry Report, Shri L. L. Balihare, Mining Mate admitted his mistake and his misconduct, but at no place, it could be proved that the workman has also admitted the charges levelled against him. In the report of Enquiry Officer, it has been held that Shri L. L. Balihare and workman Shri S. L. Sahu through applications dated 16-2-19987 to the Mines Manager prayed for exoneration bear the signatures of both Shri L. L. Balihare and workman Shri S. L. Sahu. But the signature of Shri S. L. Sahu did not tally. It has been averred that the above fact indicated that the workman did not admit the charge levelled against him. Besides the above, there were 3 persons namely Shri L. L. Balihare, Mining Mate, workman Shri S. L. Sahu, Weigh Bridge Clerk and Shri S. D. Prasad, Recorder of Mahamaya Mines who had been dealing with wage bills of gangs, only two of them were charge-sheeted i.e. Shri L. L. Balihare and workman Shri S. L. Sahu. Shri S. D. Prasad happened to be a favourite of the officers so was left out and no charge-sheet was issued to him. This discriminatory treatment had been meted out to the above two persons while dealing with this case. The Enquiry Officer has held that workman Shri Sahu is guilty of misconduct of "abetment" only whereas in the Mines Standing Orders, nowhere it is mentioned that the said act of abetment of the workman was major or minor misconduct. Not only this, there is no substantial or cogent evidence adduced by the management which would warrant punishment of termination of services or for that reason any other punishment whatsoever. Despite the above facts, the management imposed the punishment of termination of service of the workman which is wholly unjustified, illegal and arbitrary. Therefore the order of termination deserves to be set-aside. The delinquent workman submitted an appeal to the Managing Director, Bilaspur praying for withdrawal or order of termination and to re-instate him on his former post, but to no effect inasmuch as his request for reinstatement was not acceded to by the management. It is therefore prayed that order of management of termination of the workman be set aside with all consequential benefits etc.

3. The management contested the reference and filed their written statement. Their case in brief is as follows. The workman was employed as Weigh Bridge Clerk with the management. He was charge-sheeted for committing grave and major misconduct of wilfully and deliberately making alterations/tampering and abetted in making such alterations/tampering in the original copies of production data-B for the period of February 86 to July 86 and December, 1986 after getting them signed by the Mines Manager and before handing them over to the Finance Section, Rajhara for further processing to EDP, thereby inflating the earnings of the gangs resulting in excess payment to many DPR workers of Mines. The Departmental Enquiry was

conducted against Shri L. L. Balihare and workman Shri S. L. Sahu for similar charges of misconduct of deliberately making alteration/tempering in the Production Data Sheet before handing over to the EDP Section for the purpose of payment to the Departmental Piece Rated Workers. Excess payment has been made to DPR workers as a result of this. The charges were found proved against both Shri L. L. Balihare and workman Shri S. L. Sahu in the enquiry conducted and consequently services of both of them have been terminated. The Departmental Enquiry was conducted by the Enquiry Officer adhering to the requirements of principles of natural justice. It has been specifically denied by the management that there are number of defects, irregularities and illegalities in the enquiry proceedings rendering it illegal and in-operative and the services of the workman has been terminated in an illegal, arbitrary, wrongful, unjustified and improper manner. Shri L. L. Balihare and workman Shri S. L. Sahu both have admitted the misconduct in the beginning but workman Shri S. L. Sahu subsequently denied stating that the statement of admission was signed by him when his senses were not in his control and hence the Enquiry Officer proceeded with the enquiry and ultimately found them guilty. The Enquiry Officer in his report has held that Shri Sahu has stated before the Enquiry Officer to have signed the self admission while his senses were not under his control and this can be one of the reasons why his signature did not tally. As submitted earlier since Shri L. L. Balihare, Mining Mate and Shri S. L. Sahu Weigh Bridge Clerk denied the statement of admissions praying for exoneration to the Mines Manager, the Disciplinary Authority ordered departmental enquiry against both of them. The Enquiry Officer gave the following finding against Shri L. L. Balihare, Mining Mate :—

"Found guilty of committing an act of misconduct inasmuch as he wilfully and deliberately made alteration/tampering in the wage payment of DPR worker of Mahamaya Mines."

The Enquiry Officer held the following regarding workman Shri S. L. Sahu :

"Found guilty of committing an act of misconduct inasmuch as he abetted in making alterations/temperings by the CSE-1 in the wage payment documents for DPR mazdoors of Mahamaya Mines."

It has been specifically denied on behalf of the management that Shri S. D. Prasad recorder of the Mines who also dealt with wage bills of gangs was not chargesheeted being favourite of the officers. It has been specifically pleaded that a prima facie case was emerged only against Shri L. L. Balihare and the workman and hence the Departmental Enquiry against Shri S. D. Prasad, Recorder was not initiated. It has also been pleaded that according to clause 29(1)(XXI) of Standing Orders for mines, abetment or attempt to commit any of the acts of

misconduct is a major act of misconduct and thus the workman had committed major misconduct. Therefore the services of workman Shri S.L. Sahu has been terminated properly and illegally after he was found guilty of committing major acts of misconduct. The Enquiry Officer considering the documents and evidence of witnesses produced before him had come to the conclusion and gave his findings in the enquiry. Based on the findings of the enquiry, the Disciplinary Authority has rightly terminated the services of workman Shri Sahu as he was found guilty of major misconduct of abetting in making alterations/tampering in the wage payment amount of departmental piece rated mazdoor of the Mines. The workman is, therefore, not entitled to any relief whatsoever and the reference deserves to be dismissed with cost.

4. The order sheet dated 26-11-1994 indicates that my learned predecessor in office upon the pleadings of the parties framed the following 5 issues :—

- (i) Whether the enquiry is just, proper and legal ?
- (ii) Whether the management is entitled to lead evidence before this tribunal ?
- (iii) Whether the charges of misconduct are proved on the facts of the case ?
- (iv) Whether the punishment awarded is proper and legal ?
- (v) Relief and costs ?

FINDINGS

5. Issue Nos. 1 & 2 :

The order-sheet dated 7-4-1995 reveals that my learned predecessor in office answered issue No. 1 in favour of the management meaning thereby it was held by him that the enquiry is just, proper and legal. The order-sheet of the aforesaid date further reveals that my learned predecessor in office held that Issue No. 2 has become redundant. Thus the above is the adjudication made by my learned predecessor on issue Nos. 1 & 2. The findings on these issues shall form the part of award.

6. Issue No. 3 :

In view of findings on Issue No. 1, that enquiry is just, proper and legal, the charges of misconduct are proved on the facts of the case as the Enquiry Officer vide its finding held as follows :—

“Found guilty of committing an act of misconduct in as much as he abetted in making alterations/temperings by the CSE-1 in the wage payment documents for DPR mazdoors of the Mahamaya Mines.”

Issue No. 3 is therefore decided in the affirmative in favour of the management and against the workman/Union.

7. Issue Nos. 4 & 5 :

These issues are co-related to each other, therefore, both are being taken together for adjudication.

8. I have heard Shri C.R. Bakshi, President. Samyuktha Khadan Mazdoor Sangh for workman/Union and Shri A. K. Shashi, Advocate for management. I have very carefully gone through the entire record of reference. It has been submitted on behalf of workman/Union that the action of the management is unjustified and improper for the reason that the workman has been given punishment of removal from service which is disproportionate to the act of misconduct. Though in the written argument, law has been cited on the above point but the workman/Union failed to supply the law cited therein and therefore this tribunal could not go through the law cited by the workman/Union in their written argument. Against the above, the learned counsel for the management submitted that the act of misconduct committed by workman Shri Sahu is of such a nature that it warrants for criminal prosecution in addition to departmental action. That the act of misconduct committed by the workman is of tempering with the records which amounts to fabrication of evidence to support wrongful payment of higher amounts of money than that is legally payable. He further submitted that this kind of misconduct is of grave nature and involves moral turpitude. That there can be no more appropriate punishment for such misconduct than instant termination from service. The learned counsel for the management also submitted that the above act of misconduct can also be said to be analogous to the misconduct of misappropriation of money where the Hon'ble Supreme Court has time and again by its decision in various cases held that in cases of misappropriation there cannot be any other punishment than dismissal. That the amount of misappropriation may be small or large but it is an act of misappropriation that is relevant to award the punishment of dismissal. In this respect, he placed reliance on 1996-LAB-I.C. -1056 in the case of Municipal Committee, Bahadurgarh versus Krishnan Behari and others. I have very carefully gone through the law cited above. In the law cited above, the respondent was a clerk in the municipal committee. He was alleged to have misappropriated a sum of Rs. 1548.78 p. by falsifying the accounts. He was prosecuted in a criminal case and convicted under Section-409 of the Indian Penal Code, in the appeal, the conviction is altered from Section 409 to Section 468 of the Indian Penal Code. In view of the above punishment, the Municipal Committee dismissed the respondent. Under the facts and circumstances, the Honourable Supreme Court observed as follows :—

“There cannot be any other punishment than dismissal. Any sympathy shown in such cases is totally uncalled for and oppose to public interest. The amount misappropriated may be small or large; it is the act of misappropriation that is relevant

Having considered the law cited above and the facts and circumstances of this case, I am of the considered opinion that the punishment imposed on the workman of dismissal from service is not disproportionate to the act of misconduct committed by him and under the circumstances, the workman is not entitled to any relief. But so far as the costs of the reference is concerned, I take a lenient view that the parties shall bear their own costs of this reference.

9. In view of the above, the reference is answered in favour of the management and against the workman/Union and it is hereby held that the action of the management of Bhilai Steel Plant in relation to their Mahamaya Mines in terminating the services of Shri S. L. Sahu, P. No. 211057, Weigh Bridge Clerk w.e.f. 14-2-1990 is lawful and justified and consequently the workman is not entitled to any relief. So far as the cost of reference is concerned, the parties shall bear their own costs. Issue Nos. 4 & 5 are decided accordingly in favour of the management and against the workman.

10. In view of the above findings on issue Nos. 1 to 5, the reference is answered in favour of the management and against the workman/Union with the findings that the action of the management of Bhilai Steel Plant in relation to their Mahamaya Mines in terminating the services of Shri S.L. Sahu, P. No. 211057, Weigh Bridge Clerk w.e.f. 14-2-90 is lawful and justified and consequently the workman is not entitled to any relief, parties shall bear their own costs of this reference.

11. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 15 जून, 2006

क्रा. आ. 2544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार इन्दिरा गाँधी इन्टरनेशनल एयरपोर्ट अथोरिटी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, नई दिल्ली के पंचाट (संदर्भ संख्या 114/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2006 को प्राप्त हुआ था।

[सं. एल-11012/17/93-आई आर (विविध)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 15th June, 2006

S.O. 2544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 114/1999) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indira Gandhi International Airport

Authority, and their workmen, which was received by the Central Government on 15-6-2006.

[No. L-11012/17/93-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R.N. Rai, Presiding Officer

I.D. No. 114/1999

In the matter of:

Smt. Sita Devi,
w/o Shri Srikant,
C/o. Airport Employees Union,
3, V.P. House,
Rafi Marg, New Delhi.

Versus

1. M/s. Sparkling Enterprises,
Indira Gandhi International Airport Authority,
Cargo Complex,
Terminal-II,
New Delhi-110037.
2. Indira Gandhi International Airport Authority,
Through its
Chairman-cum-Managing Director,
Cargo Complex, Terminal-II,
New Delhi-110037.

AWARD

The Ministry of Labour by its letter No. L-11012/17/93-IR (Misc.) CENTRAL GOVERNMENT Dt. 07-05-1999 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the termination of service of Smt. Sita Devi employed by M/s. Sparkling Enterprises, Contractor engaged by International Airports Authority of India w.e.f. 04-05-1993 is justified? If not, to what relief Smt. Sita Devi is entitled?”

The claimant has filed statement of claim. In the statement of claim, it has been stated that the management No. 2 illegally and arbitrarily adopted the practice of appointing employees on the post of sweeper through contractors despite the fact that the Central Government had already issued a prohibitory notification under section 10(1) of the Contract Labour (Regulation and Abolition) Act 1970 on 9-9-1976 which came into force in January, 1977.

That the claimant workman was also appointed as a sweeper with effect from 1st May 1985 and her last drawn

salary was Rs. 1809 per month. It is stated the workman was issued identity card cum entry permit by the management No. 2. However, as stated above the management No. 2 in order to avoid giving legal benefits to its employees like the claimant workman used to declare them appointed through fake contractors namely M/s. Sparkling Enterprises, M/s. R.K. Jain, M/s. Walia and sons etc. It is stated on behalf of the workman that at the relevant time the contractor agency operating was said to be the management No. 1.

That the performance of the claimant workman was upto the mark and there was no complaint whatsoever either regarding her work or conduct. That since the Central Government had already prohibited the appointment of sweepers through the contractors under the provision of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, the claimant workman was in fact the employee of the management No. 2 as she was performing her duties in the premises of management No. 2.

That the Hon'ble Supreme Court of India in "Gujarat Electricity Board Thermal Power Station, Ukai, Gujarat Vs. Hind Mazdoor Sabha and others reported in JT 1995(4) SC 264" has held that the Contract labour is entitled for declaration of his status quo his employer.

That in the present case also the appointment of contract labour in respect of sweeping, cleaning and dusting etc. has been prohibited by the appropriate government. Therefore any appointment made on these posts is contrary to Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 as well as contrary to the notification issued by the Central Government on 9-12-1976. Therefore, the claimant workman is entitled to raise an industrial dispute in respect of her status quo the management No. 2.

That in violation of the Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, the management No. 2 was making deduction in the payment of wages and bonus. In that reference the workman became an active member of the union but the management No. 2 continued to avoid the payment of earned wages. As such the management No. 2 did not pay the wages for the months of April and March 1993. It is stated on behalf of the claimant workman that on demanding the same her services were illegally and arbitrarily terminated on 1-3-1993. Before termination of her services the workman was neither given any notice nor paid any compensation in lieu of the notice. Thus her services were terminated in contravention to provision of Section 25-F of the Industrial Disputes Act, 1947.

That the claimant workman raised Industrial Dispute and filed claim before the conciliation officer where the management No. 2 agreed on 2-3-1993 to take her back on duty on 4-3-1993. It is further stated on behalf of the workman that she was beaten up on 5-3-1993 and was again

taken back on duty on 15-3-1993. However, her services were again terminated on 4-5-1993. Before terminating her services the management also did not pay her the earned wages for the months of March, April and May 1993.

That the appropriate government vide its order No. F. 11012/17/93-IR (Misc.) dated Nil refused to refer the Industrial Dispute to Labour Court for adjudication on the ground that the workman was not appointed by the management on International Airport Authority.

That the claimant workman challenged the order of the appropriate government before the Hon'ble High Court of Delhi by way of CWP No. 456 of 1996. It is stated that the Hon'ble High Court was pleased to direct the Government to refer the dispute to a competent court for adjudication.

That the claimant workman also sent a demand notice vide Regd. AD post on 20-05-93 demanding her reinstatement with full back wages and continuity in service. That the action of the management No. 2 is illegal, arbitrary and unjustified. It is stated that the workman was appointed to the post of sweeper as a contract labour despite the prohibitory notification. Moreover, her services have been terminated in contravention to Section 25(F) of the Industrial disputes Act, 1947.

That the Hon'ble Supreme Court of India in Air India Statutory Corporation etc. Vs. United Labour Union and others etc. reported in SLR Vol. 116 1996(6) page 233 has held that the appropriate government is the Central Government and is empowered to issue notification. The Hon'ble Supreme Court was also pleased to hold that it is necessary to recapitulate that on abolition of contract labour system by necessary implication the principal employer is under statutory obligation to absorb the contract labour. The linkage between the contractor and the employee stood snapped and direct relationship stood restored between the principal employer and the contract labour as its employees. Considered from this perspective all the workmen in the respective services working on contract labour are required to be absorbed in the establishment of the appellant. It is stated that the management No. 2 has already issued appointment letters to its about 400 contract workers in terms of the aforesaid judgement.

That the management No. 2 pursuant to the aforesaid judgement issued a circular No. AAD/PERS/38(1)/92 dated 17-4-1998 under the signature of Sh. Harvans Kumar, Airport Director. In the said circular the management No. 2 warned its all contract labours not to fall prey to certain touts as the management has already started procedure of regularisation of services of the workers employed through contractors for performing the work of cleaning, dusting, sweeping etc. in the same circular it has also been informed that the management No. 2 has already issued appointment

letters to about 400 employees and the process of issuing appointment letters to remaining workers is being given top priority.

That the claimant workman is also entitled to be absorbed by the management No. 2 but she is suffering a great deal of hardship as her services were terminated illegally and arbitrarily. From the date of her illegal termination she has been pursuing the remedy before the labour department. However, now the appropriate government has referred the matter to this Hon'ble Tribunal.

That the workman is still unemployed as she has not yet been able to get any alternative job despite her best efforts.

The management has filed written statement. In the written statement, it has been stated that the claimant workman was never employed by the answering management and as such there is no relationship of employer and employee between the claimant workman and the answering management and as such the claim of the claimant workman is not maintainable and as such the same is liable to be dismissed.

That the claimant workman has stated in her statement of claim that she was workman of the management No. 1 through whom she was working in the premises of the answering management. It is also the case of the claimant workman that her services were terminated by the answering management which shows the mala fide on the part of the claimant workman in filing the present statement of claim and as such the same is liable to be dismissed.

That the contract of the management No. 1 was completed in the year 1993-04 and it might be that the claimant was working with the management No. 1 but the answering management has no knowledge of the same as the contract of M/s. Sparkling Enterprises was completed long back in the year 1993-04 and her services might have been terminated by the said contractor and as such if the claimant workman has any grievance that can be only against the said contractor as such the claim of the workman is liable to be dismissed. The answering management reserves its right to file the amended/additional reply to the statement of claim of the claimant workman on coming to know the additional facts. It is denied that the answering management had appointed as a sweeper with effect from 1st May, 1985. It is denied that the answering management in order to avoid giving legal benefits to its employees used to declare them appointed through fake contractors. It is pertinent to mention here that the contract of M/s. Sparking Enterprises was completed during 1993-1994 and the record of the workmen employed by them is not available with the answering management as the grievances of the claimant workman pertains to 1993 and the answering management reserves its right to file an amended/additional

reply to the statement of claim of the claimant workman when the additional facts comes to the knowledge of the answering management.

It is submitted that the claimant workman was never under/in the employment of the answering management and as such there was no occasion for any complaint from the answering management regarding the performance work or conduct of the claimant workman.

It is denied that the claimant workman was employee of the answering management or she was performing the duties in the premises of the answering management. It is pertinent to mention here that the contract of M/s. Sparkling Enterprises was completed in 1993-1994 and as such whether the claimant workman was working with M/s. Sparkling Enterprises or not is not in the knowledge of the answering management and as such the answering management reserves its right to file an amended/additional reply to the statement of claim of the claimant workman when the additional facts comes to the light of the answering management.

It is denied that the claimant workman is entitled to raise an industrial dispute in respect of her status quo the answering management. It is submitted that the claimant workman was never in the employment of the answering management and as such the question of any deduction by the answering management in the payment of wages and bonus to the claimant workman did not arise. It is submitted that the answering management is not aware whether the claimant workman was active member of any union or not. It is denied that the answering management continued to avoid the payment of earned wages or did not pay the wages for the months of April and March 1993 or the services of the claimant workman were illegally and deliberately terminated on 1-3-1993 in view of the foregoing averments. It is submitted that as the claimant workman was not in the employment of answering management, the question of giving any notice or paying any compensation in lieu of notice by the answering management, the question of terminating the services of the claimant workman in contravention to provisions of Section 25 of the ID Act, 1947 does not arise.

It is denied that the answering management had agreed on 2-3-1993 to take the claimant workman back on the duty on 4-3-1993 as the question of the same does not arise as she was never in the employment of the answering management. It is denied that the answering management had beaten up the claimant workman on 5-3-1993. It is further denied that the claimant workman was taken back on duty on 15-3-1993 by the answering management or her services were again terminated on 4-5-1993 by the answering management. It is further stated that as the claimant workman was never in the employment of the answering management and as such the question of payment of any earned wages for the months of March, April and May 1993 from the answering management does not arise.

It is again submitted that the claimant workman was never in the employment of the answering management and as such the termination of the services of the claimant workman in contravention to Section 25(F) of the I.D. Act, 1947 by the answering management does not arise.

It is submitted that the question which had been posed for consideration before the Hon'ble Supreme Court in the Air India Statutory Corporation etc. Vs. United Labour Union and others etc. reported in AIR 1997 S.C. 645, was to affect as to what will be the fate of erstwhile contract labour on abolition of contract labour system in the establishment under Section 10 of the Act. The Hon'ble Supreme Court had observed that though the legislature has expressly not mentioned the consequence of such abolition but the very scheme and ambit of Section 10 of the Act indicates the inherent legislative intent of making the erstwhile contract labours direct employees of the employer on abolition of the intermediary contractor and had held that the appropriate government is the Central Government and is empowered to issue notice notification and on the abolition of contract labour system by necessary implication the principal employer is under statutory obligation to absorb the contract labour and the linkage between the contractor and the employee stood snapped and direct relationship stood restored between the principal employer and the contract labour as its employees and all the workmen in the respective service working on contract labour are required to be absorbed in the establishment. Thus for the first time the Hon'ble Supreme Court vide its Judgement dated 6-12-1996 in the hereinbefore mentioned case had laid down the law on the aspect of fate of contract labour system in the establishment under Section 10 of the Act and as such in view of the hereinbefore mentioned Judgement the answering management issued appointment letters to its contract workers those who were working on the date of hereinbefore mentioned Judgement.

It is submitted that the answering management had started the process of regularisation of services of the workers employed by the contractor who were on their role on 6-12-1996 and were performing the work on cleaning, sweeping, dusting in the premises of the answering management in terms of Judgement of Hon'ble Supreme Court in Air India Statutory Corporation etc. Vs. United Labour Union and others. Without prejudice that as the contract of M/s. Sparkling Enterprises was completed in 1993-94 and as per the claimant workman her service was terminated by the contractor she was no more on the role of the contract labour of the answering management as on 6-12-1996 and as such the claimant workman is not entitled for the relief claimed in the statement of her claim.

It is denied that the claimant workman is entitled to be absorbed by the answering management in view of the foregoing averments. It is further denied that the service of workman were terminated illegally and arbitrarily as the

question of the same did not arise ever as she was never employed by the answering management.

That the contents of para No. 19 of the statement of claim are wrong, false and denied. It is denied that the workman is still unemployed.

The applicant has filed rejoinder and in her rejoinder she has reiterated the averments of her claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It is essential to mention that an award was given on 4-5-2005 and the same was published but within 30 days of publication of the award the management filed application that award in this case has been given without taking evidence of both the parties as per the provisions of the I.D. Act. Taking of oral evidence is necessary. In fact oral evidence of the parties was not taken when award dated 4-5-2005 was given. The management wanted to adduce evidence and the application of the management for setting aside the award was within time. Award dated 4-5-2005 has been set aside by order dated 31-5-2005 in the light of the application of the respondents.

Oral evidence of both the parties has been taken.

It was submitted from the side of the workman that she has served the respondent for long 8 years. Her services have been terminated illegally by the respondent on 04-05-1993.

It was further submitted that she has filed gate pass WW1/1 dated 12-07-1988 and 10-10-1988. The workman applicant has filed only gate pass which was issued on 12-07-1988 and which was valid up to 10-10-1988. No other document in regard to employment by the workman even with the contractor has been filed in this case. Photocopy of gate pass has been denied by the respondents. The workman applicant has not filed the original thereof.

It was submitted from the side of the management that the workman was removed on 04-05-1994 but she has filed photocopy of gate pass which was valid from 12-07-1988 to 10-10-1988. In case she was employed by the contractor she would have filed papers regarding EPF deductions and ESI.

It was further submitted from the side of the management that the workman has filed affidavit dated 03-09-2001 and in that affidavit she has stated that she was employed w.e.f. 01-05-1985 and her last drawn salary was Rs. 1809/- per month. She has filed no documentary evidence in regard to her deposition in the affidavit dated 03-09-2001.

It was submitted that she was an active trade union member of Airport Employees Union so the management has terminated her services but she has not filed any paper of proof that she was an union activist.

It was further submitted from the side of the management that the reference is regarding employment of the workman by M/s. Sparkling Enterprises, Contractor engaged by International Airport Authority of India w.e.f. 04-05-1993. The management contended that the reference is regarding termination of the services by M/s. Sparkling Enterprises and not by the respondent so no cause of action arose. The workman had grievance against M/s. Sparkling Enterprises. She was engaged by M/s. Sparkling Enterprises as per her assertion.

It was further submitted from the side of the respondent that they had not terminated the services of the workman applicant. M/s. Sparkling Enterprises terminated her services on 04-05-1993. There is no termination of service by the respondents. So they cannot be directed to reinstate the workman applicant. According to the reference the workman has grievance against M/s. Sparkling Enterprises, Respondent No. 1 and if any order is passed it can be against Respondent No. 1, M/s. Sparkling Enterprises. M/s. Sparkling Enterprises has not turned up. No written statement has been filed by the Respondent No. 1, M/s. Sparkling Enterprises. Relief by the workman has been sought against M/s. Sparkling Enterprises. Notices by the previous court have been issued to both the respondents. The Contractor did not appear. He had adduced no evidence. No case of the workman is made out against Respondent No. 2 as the reference is regarding termination of the services by M/s. Sparkling Enterprises, Respondent No. 1. So the workman can get relief against Respondent No. 1, M/s. Sparkling Enterprises as she has stated that she was employed by M/s. Sparkling Enterprises and her services were terminated by M/s. Sparkling Enterprises. Respondent No. 2 did not come in picture even in the reference.

The workman applicant has filed photocopy of gate pass which relate to 12-07-1988 to 10-10-1988. She has not filed any other document so at worst she was engaged in service for about only 3 months. It appears that the workman has got a photocopy of gate pass from somewhere or the other and she has tried to make up a case against Respondent No. 2 i.e. Airport Authority of India. No case against Respondent No. 2 IGI Airport is made out.

The case of the management is that they started the process of regularisation of services of the workers by the contractor who were on their roll on 06-12-1996. This workman was not on the roll on 06-12-1996 so her services were not regularised. The case appears to be concocted one.

Both the parties have cited law but the same is not applicable, as relief has been sought against Respondent No. 1, M/s. Sparkling Enterprises the contractor and not the management.

Reference is replied thus :—

The termination of service of Smt. Sita Devi employed by M/s. Sparkling Enterprises, Contractor engaged by International Airports Authority of India w.e.f. 04-05-1993 is not justified. The Respondent No. 1, M/s. Sparkling Enterprises is directed to reinstate the workman applicant with 50% back wages and make payment of the entire arrears within two months from the date of publication of the award. In case of default the workman applicant will be entitled to get 10% interest on his accrued back wages.

Award is given accordingly.

Date : 07-06-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 15 जून, 2006

का. आ. 2545.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथोरिटी ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकुलम के पंचाट (संदर्भ संख्या 4/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-6-2006 को प्राप्त हुआ था।

[सं. एल-11011/15/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 15th June, 2006

S.O. 2545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 15-6-2006.

[No. L-11011/15/2005-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P.L. Norbert, B.A.L.L.B., Presiding Officer

Friday the 2nd day of June, 2006/12th Jyaishta, 1928

I. D. 4/2006

Workman/Union : Shri K. Sasindra Kumar,
Joint Secretary
S/o Late K. Velu
The Calicut Airport Workers' Association (INTUC),
Kurupath House, Annunni Parambu,
Malappuram District.
By shri T.C. Krishna

Management : The Airport Director,
Airport Authority of India
Calicut Airport,
Calicut-673 647

AWARD

This is a reference made by Central Government under Section 10(1)(d) and (2A) of Industrial Disputes Act, 1947. The reference is :

“Whether the demand of Calicut Airport Workers Association (INTUC) for appointing 16 workers as per annexure who claim to have worked with various contractors in the service of Airport Authority of India, Calicut Airport is justified? If so, what relief the workmen is entitled?”

2. On notice both sides entered appearance initially. Thereafter the management remained absent continuously. Though the worker filed a claim statement, no written statement is filed by management so far. There is no representation also for the management. Thus management remains *ex parte*. The claimant union filed a proof affidavit and produced documents. The documents are marked as Exts. W1 to W2.

3. In the proof affidavit it is stated that the 16 workers who are members of the union were engaged for electrical maintenance work in Calicut Airport through a contractor since the inception of the establishment in 1988. They continued to work under different contractors in the Airport till 1995. Though contractors were changed the workmen continued and were discharging the same nature of work in the Airport. The work was continuous without any break. They were working under the control and supervision of Airport management. However they were denied employment from 29-8-1995 by the management. The termination of service of workers is in violation of principles of natural justice and provisions of I.D. Act. There was no allegation against the workers till their termination. The establishment is one coming within the purview of Contract Labour (Regulation & Abolition) Act, 1970. The workers are to be treated as employees of management establishment. They are entitled to be regularized in service of management. There are enough vacancies to accommodate all the 16 workers.

4. The averment in the affidavit stands unchallenged. Ext. W1 series are photocopies of permit cards of all the 16 workers. They show that permit cards were issued to the workers for the purpose of entering the Airport premises and doing the work assigned to them. Ext. W2 is the judgement of Hon'ble HC of Kerala in a number of writ petitions filed by the unions including the present union. Many directions were sought in the O.Ps and one of them was to absorb the workers of petitioner union by the management establishment itself. The O.Ps. were disposed of directing the union to raise an industrial dispute

regarding the issue of absorption of workers. Thereafter an industrial dispute was raised by the union and accordingly a reference was made to this court. The petitioners are out of employment since 1995. The management has engaged another contractor and workers under him for the electrical maintenance work of the Airport now.

5. In Steel Authority of India Ltd. & Ors. V. National Union, Water Front Workers 2001 2 LLJ 1087 it is observed in the concluding portion of the judgement by Hon'ble Supreme Court (para 119) that Section 10 of Contract Labour (Regulation and Abolition) Act does not provide for automatic absorption of contract labour on issuing a notification by appropriate government prohibiting employment of contract labour in an establishment. The industrial adjudicator will have to consider the question whether the arrangement of contract is a camouflage to deny benefits of labour legislations to the workers or a genuine one. If the arrangement is only a camouflage or a ruse, then the workers under the contractor will have to be regularized by the principal employer on abolition of contract labour. If the contract is genuine and there is a notification issued prohibiting contract labour, then preference should be given to the contract labour before engaging regular workmen.

6. In the instant case workers were engaged continuously for the same type of work from 1988 to 1995. Though contractors were changed workers continued under different contractors, like Sree Ranga Electricals, Madras, Deluxe Electrical Enterprises & Calicut, Ex-servicemen League Security Organisation, Nilampur. Initially these workers were recruited by the management through Central Public Works Department. That alludes to the nature of contract that the management had entered into with the contractor. According to the workers they were controlled and supervised by the management itself and not by the contractor. However in order to apply the provision of Section-10 of the Contract Labour (Regulation and Abolition) Act, a notification in the official gazette is a prerequisite [K. Ramakrishnan V. Bharat Petroleum Corpn. Ltd. (1997) 2 LLJ 1101]. In Ext. P2 judgement the Hon'ble High Court in para 5 at page 5 has referred to the notification. The notification was issued on 16-11-1999. The petitioners, services were terminated on 29-8-1995. Therefore at that time S-10 of the Act had not come into effect so far as the establishment in question is concerned. Admittedly, even thereafter a different set of contract labour was engaged by the management through another contractor. Hence by virtue of S-10 of the Act the petitioner cannot claim that the contract labour was abolished and hence they are entitled for absorption in the establishment as regular employees of the establishment. It follows therefore that the petitioner cannot succeed in the claim for absorption.

7. In the result, an award is passed rejecting the claim of the union for absorption of the workers under the union

in the management establishment, but without any order as to cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 2nd day of June, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union : Nil

Witness for the Management : Nil

Exhibits for the Union

W1—Photocopy of permit cards issued by the Bureau of Civil Aviation Security to the 16 workers.

W2—Copy of judgement passed by the Hon'ble HC of Kerala in O. P. No. 36484/01.

Exhibits for the Management : Nil.

नई दिल्ली, 15 जून, 2006

का. आ. 2546.—कर्मचारी राज्य बीमा अधिनियम, 1948 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जुलाई, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“आन्ध्र प्रदेश राज्य रंगारेड्डी जिले के घटकेसर मण्डल में राजस्व ग्रामों—एदुलाबाद, मजहरगुडा, पदमातीसाईगुडा, अडवापुर, अंकशापुर, पोचराम और इस्माइलखानगुडा की सीमा में आने वाले सभी क्षेत्र।”

[सं. एस-38013/43/06-एस. एस.-I]

के. सी. जैन, निदेशक

New Delhi, the 15th June, 2006

S.O. 2546.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st July, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force]

of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“All the areas falling within the limits of revenue villages Edulabad, Mazharguda, Kondapur, Padamatisaiguda, Aushapur, Ankushapur, Pocharam and Ismailkhaguda in Ghatkesar Mandal of Ranga Reddy District.”

[No. S-38013/43/2006-S. S. I]

K. C. JAIN, Director

नई दिल्ली, 20 जून, 2006

का. आ. 2547.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 4782, दिनांक 19-12-2005 द्वारा सिक्युरिटी पेपर मिल, होशंगाबाद जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 21 में शामिल है को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 7-1-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 7-7-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/16/97-आई. आर. (पी. एल.)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 20th June, 2006

S.O. 2547.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 4782 dated 19-12-2005 the service in the Security Paper Mill, Hoshangabad which is covered by item 21 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 7th January, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility

service for the purpose of the said Act, for a period of six months from the 7th July, 2006.

[F. No. S-11017/16/97-IR (PL)]
GURJOT KAUR, Jt. Secy.

नई दिल्ली, 22 जून, 2006

का. आ. 2548.—केन्द्रीय सरकार संशुद्ध हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 97 दिनांक 30-12-2005 द्वारा खनिज तेल (कच्चा तेल), मोटर और विमानन स्पिरिट, डीजल तेल, मिट्टी का तेल, ईंधन तेल, विविध हाइड्रोकार्बन तेल और उनके मिश्रण जिनमें सिंथेटिक तेल और इसी प्रकार के तेल शामिल हैं के निर्माण या उत्पादन में लगे उद्योग में सेवाओं में हैं, जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 26 में सम्मिलित है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 16-1-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 16-7-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/6/97-आई. आर. (पी. एल.)]
गुरजोत कौर, संयुक्त सचिव

New Delhi, the 22nd June, 2006

S.O. 2548.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 97 dated 30-12-2005 the services in Industry engaged in manufacture or production of mineral oil (crude oil) motor and aviation spirit, diesel oil, kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, Lubricating oils and the like which is covered by item 26 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 16th January, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a period of six months from the 16th July, 2006.

[F. No. S-11017/6/97-IR (PL)]
GURJOT KAUR, Jt. Secy.